

Ontario Economic Council Municipal Planning Review

Part 1: The First 25 Years



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ONTARIO ECONOMIC COUNCIL
 MUNICIPAL PLANNING REVIEW

SECTION I
 THE FIRST TWENTY-FIVE YEARS

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MAY 1972 ✓

E.O. 71746





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28 April 1972 Project E.O. 71746

Ontario Economic Council
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Attention Mr. D. Richmond

Gentlemen

Re Municipal Planning Review

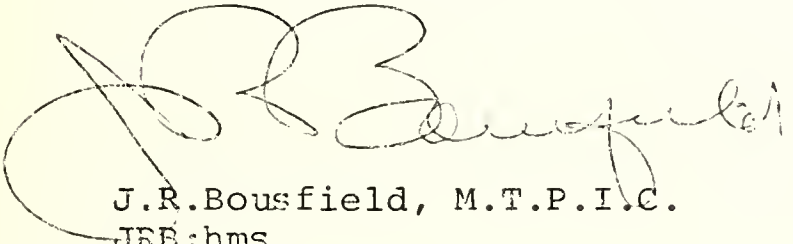
On behalf of the Study Group, we are pleased to enclose herewith three copies of a draft of Section I of the Municipal Planning Review. This deals with the experience of the past twenty-five years, a description of the process, and an evaluation of the results.

We trust that the conclusions reached will assist you in your forthcoming discussion with government officials and consultants in relevant matters.

Sections II and III are being completed and the total report is expected to be in your hands in the next few weeks. In the meantime, we would welcome any comments you may care to offer on the material submitted herewith.

Yours very truly

Proctor, Redfern,
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FOREWORD

This is a draft of the first section of a Municipal Planning Review prepared for the Ontario Economic Council. These pages deal with the twenty-five years since the passage of the Ontario Planning Act in 1946.

In the Final report, this material will be included with sections on the changes anticipated in the coming decade, and with the responses necessary to improve and extend the municipal planning process as a worthwhile function of local government.

As these pages are being written a major administrative reorganization of the provincial public service is underway, arising out of the work of the Committee on Government Productivity. By the time this is published, many changes may have been made, and a number of departments and commissions referred to may have new names and new affinities.

Nevertheless, it is thought preferable to proceed now, in the hope that some of the proposals contained herein may contribute to early deliberations on the problems for municipal planning which crowd in for attention. For the general reader, the use of the old names throughout the text may not be a serious handicap, since many of these will be the names familiar to past experience. An Appendix is included which lists the new equivalents.

ACKNOWLEDGEMENTS

This Review was conducted essentially through a series of interviews with many persons who are, or who were connected in some way with the municipal planning process in Ontario. The changing conditions which lie ahead, and a set of objectives for municipal planning in the next decade were the subjects of group discussions with persons who gave freely of two weekends for those purposes.

The many persons interviewed, and who participated in the seminars are listed in the Appendix. The Study Group is deeply indebted to all of them, and expresses now its sincere gratitude for their assistance.

The Study Group also acknowledges its appreciation for the support of the Steering Committee throughout the period of the Review, and for causing a great deal of background data to be made available.

THE STUDY GROUP

This Review was carried out for the Ontario Economic Council
by a consortium comprising:

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P.S.Ross & Partners.

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ONTARIO ECONOMIC COUNCIL STUDYINTRODUCTION

Planning has been a part of the municipal scene in Ontario for over half a century, and during the past 25 years, since the passing of the Planning Act in 1946, it has attained wide acceptance as a legitimate function of local government. Although there has never been a comprehensive review during all of those years, it is not the passage of time alone which makes such an enquiry propitious. As will be seen, the municipal planning process will be called upon to meet new challenges in new ways, at an ever accelerating pace. All of this is coming at a time when public dissatisfaction with the process and its product is increasingly evident.

This Review is one of a series of studies commissioned by the Ontario Economic Council with the objective of producing a rational, realistic and responsible set of social and economic goals for the development of the province over the next decade.

Its focus is on provincial policies and procedures affecting the municipal planning process in Ontario.

The purpose of this Review is to evaluate the effectiveness of those policies and procedures in the past, and to recommend new measures in the light of foreseeable changes for municipal planning over the next ten years. In the context of this

report, municipal planning is taken to be the ordering of the use of land, and the timing of its preservation, development or redevelopment, for the better enjoyment of the inhabitants, as perceived by them. The assignment involved three steps: a look back and an evaluation of the results, a look ahead, and an indication of the necessary responses. The body of the report is divided into sections, each addressed to one of those steps.

The Terms of Reference are set out in Appendix I. From them it will be clear that this was not intended to be a study of provincial planning per se. This Review is addressed to planning at the municipal level, and on provincial activity (or inactivity) only insofar as it affects the municipal planning scene. However, the authors must acknowledge only a partial success in preserving this distinction, chiefly because almost all provincial planning activity has some repercussions at the municipal level. Instead of attempting to draw a hard line of demarcation, the authors have been content to simply emphasize those provincial activities which appear to be essentially municipal in orientation, or to be of major significance for the municipal planning process.

In the conduct of this Review, the Planning Act, the activities of the Community Planning Branch and (more recently) of the Regional Development Branch were the main areas of scrutiny,

these being the principle (although by no means the exclusive) instruments of provincial policies and procedures relating to municipal planning activity. Attention was also directed to other legislation and to the actions of other departments, again with emphasis chiefly on places where direct and significant impact on the municipal level of planning is evident.

It is recognized, of course, that there are myriad ways in which provincial actions in fields other than planning affect municipalities, and which could have indirect effects on the way in which municipal planning is conducted. There are many fundamental changes which the Ontario Government may make (e.g. reform of the municipal revenue base, continuation of local government reorganization in new forms) which would alter or even revolutionize the status and strength of local government, with commensurate effects on the climate in which the local planning process is carried on.

However, this is not a study of provincial-municipal relations in any broad sense. Once again, it is a matter of preserving the focus. Throughout the Review, and particularly in the framing of recommendations, the authors were resolved to concentrate on what had been and what might be done by the province having reasonably direct application to municipal planning. While acknowledging the desirable possibilities which would flow from broader and more basic changes, this Study is primarily concerned with improvements to the local

planning process which can be effected within the present general framework of the provincial-municipal relationship.

The ten year time period for the look-ahead was welcomed as an eminently realistic feature in the Terms of Reference. Having in mind the rate at which change has occurred and which may be expected, a decade is regarded as a sufficient objective, and in its recommendations, this Review is primarily concerned with what might be achieved by the end of the 'seventies.

The work was carried out by a Study Group made up of persons connected with municipal planning, local government and public administration who have had experience throughout Ontario over a number of years. A Steering Committee comprising D.R. Richmond, Ontario Economic Council, D.F. Taylor, Director, Community Planning Branch and S. Clasky, Director, Regional Development Branch, reviewed the Study progress, discussed specific aspects, and caused considerable source material to be made readily available.

Although the work involved a review of legislation, reports, articles, speeches, etc., the main effort was directed to a wide canvass of opinion from persons presently or previously connected with the municipal planning scene from all parts of the province and from other places, through interviews and group discussions. Appendix II lists those persons who were

kind enough to lend assistance in these ways. Of special note is the assistance with respect to The Planning Act by Professor Dennis Hefferon, Osgoode Hall Law School, York University.

In its references to The Planning Act, and in particular to zoning and development controls, this Review may overlap some of the work initiated by the late Professor James B. Milner for the Community Planning and Land Use Controls Section, Law of Property Project of the Ontario Law Reform Commission. At this writing, publication of some of the Commission's findings is imminent.

Finally, it must be recorded that this Review was carried out during a period of major reorganization of the whole of the provincial administration stemming from the work of the Committee on Productivity. The functions of and the relationships between what are now the Community Planning Branch and the Regional Development Branch will obviously change to some degree, with important repercussions for municipal planning. Notwithstanding a number of full and frank discussions with senior provincial staff, much remained confidential, and much remained undecided during the period of this Review. The references and recommendations contained herein may therefore suffer somewhat from this handicap.

SECTION I THE FIRST 25 YEARS

1.1 A Historical Perspective

The latter years of World War II were marked by a rising concern lest the termination of hostilities be followed by an economic depression after the manner of that which followed World War I in the 1930's. This concern was perhaps tempered by the expectation that there would be a demand for goods and services, particularly housing, and that the communities of Ontario would probably be destined for some degree of urban expansion.

The depression had brought about a virtual cessation of urban development particularly in terms of social capital, streets, utilities, schools etc., and the war demanded the channeling of resources to support the armed forces. Thus the year 1944 found Ontario at the end of a decade and a half during which little had happened to improve the urban fabric that had resulted from the active years of the 1920's. Indeed, a lack of maintenance and investment had rendered this fabric somewhat worn.

It was against this mixed background of concern and expectation that the government of George Drew realized that special measures would be needed if the potential problems were to be met. The idea of planning in Ontario was not new. There had already been some thirty years of pertinent legislation from the City and Suburbs Plans Act of 1912 to the Planning and Development Act of 1917 which continued to be amended right down to 1939. There had also been a longer history of expressed interest which can be traced back to the early years of the century and the Reports of the Canadian Commission on Conservation by Thomas Adams. There had however, not been any cabinet minister or department to concentrate attention on planning.

The years 1943 and 1944 saw the production of a number of reports by various departments and commissions on Mining, Conservation, Agriculture, Roads, Housing and Trade and the implications of these brought the government to the realization that a separate department was desirable to coordinate their activities. Thus the Department of Planning and Development was conceived and established early in 1944.

The Bill to create this Department was introduced into the House on the 24th February, 1944 by the Premier of Ontario,

George Drew. In introducing it the Premier noted significantly that...

"It will be the first function of this new department to coordinate the many planning agencies now looking to the future, and also to stimulate new planning in directions which have not yet been explored by any organized effort."

The central thought of coordination was clearly uppermost in the Premier's mind and in the rest of the speech he foresaw a wide scope for the new department.

Seconded by Leslie Frost, the Bill was assented to on the 14th March, 1944. The text is reproduced here as Appendix 'A'.

While this Act set the stage for the Provincial Government to plan its own affairs, there followed almost immediately a concern for legislation appropriate to the affairs of the municipalities in the Province. In the next two years, there were meetings between ministers and department heads, and with municipal representatives from throughout the Province on the matter. The result of this was the drawing up of a completely new Planning Act.

This Act was introduced to the House in March 1946 by Dana Porter who had been appointed Minister of Planning and Development. The guiding philosophy towards municipal

planning that went into the framing of the Act can be best summed up by the Minister's answer to a question concerning its role; he said that....

"....Nothing in this Act is intended to interfere in any way with the political independence of a municipality....."

and then continued to amplify an intermediary role whereby the Department would bring municipalities together to encourage common planning and a sharing of interests.

In many ways the 1946 Act was similar to today's. The establishment of planning areas and boards, their duties, the preparation and adoption of official plans and their effect were much the same then as now. However, in detail it was shorter and simpler. It dealt specifically with housing projects which municipalities could initiate - a reflection of anticipation for housing problems - and set up urban development areas to control the subdivision of land. Applications for subdivision approval were to be considered on similar terms to those of today but the zoning powers of municipalities were found in the Municipal Act. In spirit the Act was wholly permissive and the directive "shall" was only consequent upon some previous "may". Once having undertaken to plan however, the duties and consequences were enjoined.

This then was the stage as it was set for municipal planning in the post-war period. The anticipation of economic and physical readjustments; the desire for the coordination of provincial activities established in the Department of Planning and Development Act; and, the permissive expectation for municipal planning established in The Planning Act.

1.1.1 The Drew Years, The Forties

The Premier had taken a great personal interest in planning for the post-war world and had intended to be Minister of Planning and Development as well as Premier. In such a dual capacity he would have been in an ideal position to perform the coordination function and inspired it is said by the example of T.V.A., to do the planning that he believed the Province would do. However, as events turned out he gave his attention to other things, notably education, and appointed Dana Porter to head the new department.

The simple change of the person involved had, in subsequent years, a profound effect on the course of both coordination and planning. While Mr. Porter was a very able man, he was not in any superior cabinet position and was really an equal to other Ministers. As such he might persuade them but could not direct them in a way the Premier might. Effective

coordination demand and planning direction since differences are inevitable in the political world and in this instance they proved in time that the coordination could not be achieved under the initiative of the Minister.

Failing in this aspect, and not having the initiative to originate its own planning programs, the Department became almost wholly municipal in its planning outlook and gave its attention to the administration of The Planning Act. In these years, the policy can be summed up in keeping with the spirit of the Act as purely permissive. If a municipality wished to plan this was considered good, if not, it was their choice entirely while the government departments pursued their separate courses.

Given the position of the Department any other policy might have been difficult. For its first four or five years, the planning staff numbered but four or five. Their activity was divided between the administration of Ministerial approvals and the giving of advice. Where possible, they endeavoured to promote planning but the latter efforts were limited by the circumstances. Most such work concerned giving explanations of the scope and operation of the new Act. More attention was given to subdivisions than to other aspects of planning since it was in this field that the greatest effect could be exercised.

One topic of potential import that was debated in the early years was whether planning should be mandatory and whether 5 yearly reviews of official plans should be required. Initial thinking leaned towards both these views to the extent that a draft Act for mandatory planning was prepared within the Department. The thinking that led to its being dropped was not appended but it was felt by those who were associated at the time that the lack of staff and of funds for the purpose would lend to much bad planning which would be worse than none at all.

In contrast to this, it may be said that these years were ones of optimism. It was believed that planning would be recognized for its own good and that plans would be forthcoming voluntarily and would soon cover all important areas. The belief even extended to the point, as one reminiscence revealed, that adequate planning at the local level would lead to satisfactory development at all levels.

1.1.2 The Frost Years, The Fifties

The decade of the fifties was pre-eminently the age of the post-war boom, for Ontario, indeed for the Country. The demands for raw materials and for space to accommodate people

led to an explosion of development in all directions. In an atmosphere of growing wealth, local autonomy and private enterprise were supreme. The feared depression did not materialize and the market could be left to perform its appointed function, for land as well as for other goods.

The belief in planning as a good thing was sustained like motherhood as long as it did not interfere with political decision making and the profitability of real estate. However, since the latter did not guarantee the environment that many said they desired, it was widely felt that planning should be encouraged actively rather than passively and the government's attitude evolved from permissive to hortatory. The policy then became that of active encouragement and education.

The implementation of this was, as much as anything, related to the amount of trained personnel available and throughout the fifties planning interest increased as more planners became trained or arrived from overseas. The Community Planning Branch came into existence and began to administer The Planning Act soon after it was passed but its staff was small, numbering perhaps 20 in the early fifties of whom only about a third were trained planners. At the end of the decade, this number had grown to some 80 with about half who were professional people in fields allied to planning.

This policy of encouragement was made manifest in two ways. Firstly, through a program of address and advice in which staff members and on appropriate occasions the Minister, would visit municipalities by invitation or pretext, to spread the gospel; secondly, through discussion or disuasion when some matter was submitted for Ministerial approval which might not be for the best when viewed by a planner. In all of this, however, the policy remained that of respecting local autonomy and while suggestions for a review at the municipal level might be made and the Minister would arbitrate a local difference, it was very seldom that he would refuse to approve something that had strong local support..

The government did however acknowledge its responsibility for initiative in special instances. In 1953 it created the first metropolitan government in North America for the Toronto municipalities with a planning jurisdiction extending beyond the municipal boundary to include adjoining Townships. This unusual event was a highlight of progress in an otherwise municipally unadventurous interlude. They also created and planned the new Towns of Elliot Lake and Manitouwadge in response to prominent mineral finds but apart from these matters were largely left at the local level.

As the years progressed and the development boom matured, some of the initial optimism regarding planning began to wear thin. Professional staff at the local as well as the provincial level found frequently that their exhortations fell on deaf ears when municipalities had vested interests in promoting development or in competing for assessment. Notwithstanding the above events, it became evident towards the end of the decade that the early hopes of provincial activity and municipal initiative for planning were not being fulfilled. Little else in the way of anything more inventive emanated from the government after the Acts were passed and even where planning areas had been defined, the results were not always praiseworthy. Thus one office memorandum of the time summed up the first 10 years of the Branch by stating that some 160 planning areas covering 240 municipalities and representing 77% of the total population in the Province had been defined but that

"....In the opinion of the writer a large number of these planning areas, perhaps 30% to 40% could better have gone undefined because in these cases there is either no planning program at all or there is a program called a planning program which would have been better sealed in a box...."

In the same memorandum the policy of the Department was outlined as follows:

- The development of field staff to offer advice probably on a regional basis.
- The initiation of planning conferences on a regional basis, particularly for small municipalities.
- The propagation of the idea that small municipalities should band together to form joint planning areas so that their problem solution ability is increased.
- The publication of monthly newsletters and planning data sheets to keep the people abreast of what is going on in the planning fields.
- The publication of technical manuals dealing intensively with specific planning problems.

Notwithstanding this, however, the feeling was growing that any planning was not necessarily good planning and increased concern was being expressed over the need for improvement.

Characteristic of the mood and underlying the policy of the fifties, was an article in the Globe and Mail in 1958 that reflected.....

"The policy of the Department of Planning and Development on planning in Ontario is entering a period of review. It is the intention of the Province to provide more guidance from the top

but there will be no imposition of ready made schemes on local authorities. The initiative for planning must remain at the local level.In the Community Planning Branch, the policy is given of there being no intention of forcing municipalities to plan together or of imposing regional plans for areas like the Niagara Peninsula. The aim is that of encouraging local authorities to plan on a county basis or wider but not to tell them to do so."

1.1.3 The Robarts Years, The Sixties

In 1959 the Community Planning Branch was transferred from the Department of Planning and Development to the Department of Municipal Affairs. This marked the end of one era and the beginning of another. The move was made ostensibly to bring what to most people was entirely a municipal operation into the Department that dealt most directly with such affairs.

The early hopes and fears had by now dissolved, including any lingering idea that some Minister should coordinate the government's own activities, and the idea that planning was solely a municipal responsibility was at its zenith.

In retrospect this period can be seen as the one in which the boom matured and many of the problems we face today had their beginnings. It was the age when urban sprawl became a worrisome term and large annexations were effected in an

attempt to meet the problems. As these continued to transcend municipal boundaries local autonomy began to show signs of strain. The ubiquitous automobile took over as the shaping force for communities and made these years the age of the highway builders. Perhaps greater hindsight will see them as the years of the creation of pollution and environmental damage but the euphoria of the fifties carried over and continued to motivate the thinking of many municipal officials.

As the decade progressed however, concern about the results of society's love affair with private endeavour and local autonomy began to be more widespread. Although a still small voice, that of the planners began to be heard and an increasing awareness for better planning and concern with how to get it gradually spread. The attitude of the government began to harden and a hortatory policy shifted to one more coercive.

As with the fifties, the evolution of policy related itself to the availability of staff. However, the problem of staff scarcity was now receding and more and more municipalities had planning staff or access to consulting services. The availability of the expertise meant that proposals for the Minister's approval could be reviewed by his staff who might then require technical evidence in support of these. Although

the will of the municipality was still respected, in cases of dubious proposals this meant the Minister could offer a documented objection that would cause second thoughts at the local level.

For other government activities too, the Minister could lend expertise and establish ties. The Department of Highways was engaged in subsidizing transportation studies and it was soon realized that the connection between land use and transportation must be appreciated. An appeal for assistance was answered by providing planning advice on the land use and population aspects of these studies. The fact that transportation aspects of studies were subsidized but planning aspects were not soon brought appeals for this to be rectified. The Minister of Municipal Affairs however, was not moved to provide money so a valuable opportunity to improve planning quality was lost and good transportation planning was often marred by mediocre attention to land use.

The Federal Government too through the Central Mortgage and Housing Corporation became concerned with urban renewal, providing funds for the purpose, and the Province responded with a share of the financing and a close surveillance of

the renewal studies. In this case the money was a sharp encouragement to better planning although this activity was suspended after a mere four years.

In the mid sixties the Province could be said to have sufficient planners that a competent job might be expected. It could give advice when called upon or it could refer those seeking more extended service to one of a number of consultants who would try to do as much as the municipality was willing to pay for. Nevertheless, a lack of enthusiasm to avail themselves of the benefits of sound planning was evident in many municipalities and thoughts were expressed that advice and encouragement might not be enough.

The importance of sound planning was now recognized by the government and its attitude was clearly expressed by the Premier in a speech in his home riding to the National Planning Conference of C.P.A.C. in September 1964. He emphasized the concern by saying.....

"At the outset let me make one point absolutely clear: effective municipal planning is the most important challenge facing communities throughout Canada today.

".....If local government is to survive as a viable element in the governmental structure of Canada, it must accept its responsibility to evolve and to administer a comprehensive plan for the development of the community.

".....There is no need for me to dwell on the urgent need for community planning - to do so before this audience would be merely preaching to the converted. I do want to make it clear, however, that the government of this Province is convinced that adequate planning is a fundamental and practical necessity in our communities.

".....If we are concerned with the maintenance of local autonomy as an essential element in our democratic society, the municipalities themselves, must discharge their responsibilities. This can only be done through planning. The alternative is the gradual encroachment in local affairs by the provincial authorities.

".....We in Ontario want good effective local government but if such an essential function as sound community planning is not carried out satisfactorily within local self-government we may have to explore other alternatives."

The minatory tone of this last expression represents perhaps one of the most important thoughts of this period. It was still hoped that voluntary local initiative would produce the needed plans, but now, as never acknowledged before, the government might be inclined to intervene.

Following this milestone, the second half of the decade was marked by two trends. The first of these was the exercise by the Province of an increasingly greater surveillance over development that was still uncontrolled together with attempts to improve the quality of this control; and the second was

the realization by both the provincial and federal governments that they had responsibilities to the need for planning beyond those that local municipalities could fulfill.

At the municipal level no municipality was yet told to prepare a plan but the Province began to refuse approvals where they saw the planning was inadequate and to amend the legislation, particularly as it affected the division of land, to close the avenues for development that could remain beyond the Minister's purview.

Increasing justification and studied support was required for all matters submitted in the approval process. With the growing complexity of development and the even wider consequences of building, renewing, servicing and transforming our communities and environment the Community Planning Branch sought the assistance of other government departments. Comments had always been sought for official plans and subdivisions under statutory provision but the range and sophistication of this process increased rapidly.

Municipalities and developers began to find themselves the recipients of long letters of comment from Ministerial officials in which even more detailed provincial requirements and recommendations were set forth. Where previously there

had mostly been general policies to do with encouragement, there now emerged more detailed admonitions and clear warnings that sound planning must be pursued.

As the decade drew to a close the tempo of municipal planning activity was vastly increased over that in its opening years. A greater sophistication was evident in the plans being written and now rewritten, and the subdivisions being designed. Almost all avenues for uncontrolled development were closed and the sanctity of local autonomy as an excuse for permitting this, was finally profaned when the Minister imposed subdivision control and zoning orders on certain municipalities who were derelict in their planning duty.

Planning had now become an imperative. What had been a quarter of a century earlier a matter of pious optimism to be voluntarily embraced was now a condition of life as unavoidable as death and taxes. Where at its inception the word mandatory was unconscionable, the wheel now came the full circle so that the Act establishing the Regional Municipality of Ottawa - Carleton in 1968 required that:

"83(2) The Regional Council, before the 31st day of December, 1972, shall prepare an Official Plan for the Regional Area."

At the provincial level it was realized that the problems of local municipalities in trying to plan were matters of structure as well as willingness. The Report of the Select Committee on The Municipal Act, 1965, referred to as the Beckett Report, and that of the Ontario Committee on Taxation, 1967, referred to as the Smith Report, analysed the problems of local government from their special vantage points and both recommended regional systems. Planning was one of the criteria considered to necessitate regional government.

These reports, reinforced by various others on individual regions, Ottawa Carleton by Murray V. Jones, the Niagara Peninsula by H. B. Mayo etc. contributed to a rapidly changing view in the latter sixties in which planning, formerly a purely local function, became not only a regional function but a provincial one as well.

In the comparatively short space of some five years, regional governments obligated to plan were being created and a provincial acknowledgement of its responsibility changed forever the previous picture of a purely local involvement.

Perhaps the real point at which this provincial acknowledgement was avowed was the statement entitled "Design for Development" given by the Premier in April 1966. The statement

was ostensibly addressed to regional development policy but gave as an essential principle the fact that

".....this government accepts the responsibility of guiding, encouraging and assisting the orderly and rational development of the Province"

...and it was quite clear that provincial planning would be involved.

That the Province meant business became manifest when as part of this program they produced the Toronto Centred Region Plan, immediately interpreting local planning according to its dictates and postulating a new town of 200,000 people associated with a new airport.

Local planning then at the end of the decade was a matter subject to considerable influence from higher levels. But not only this, there was also another influence emerging from below, that is from the people themselves. Apart from the democratic right of appeal and the periodic complaint from a ratepayer, the populace in a mass were not closely involved in the planning process. Meetings were held to inform them but their input was small.

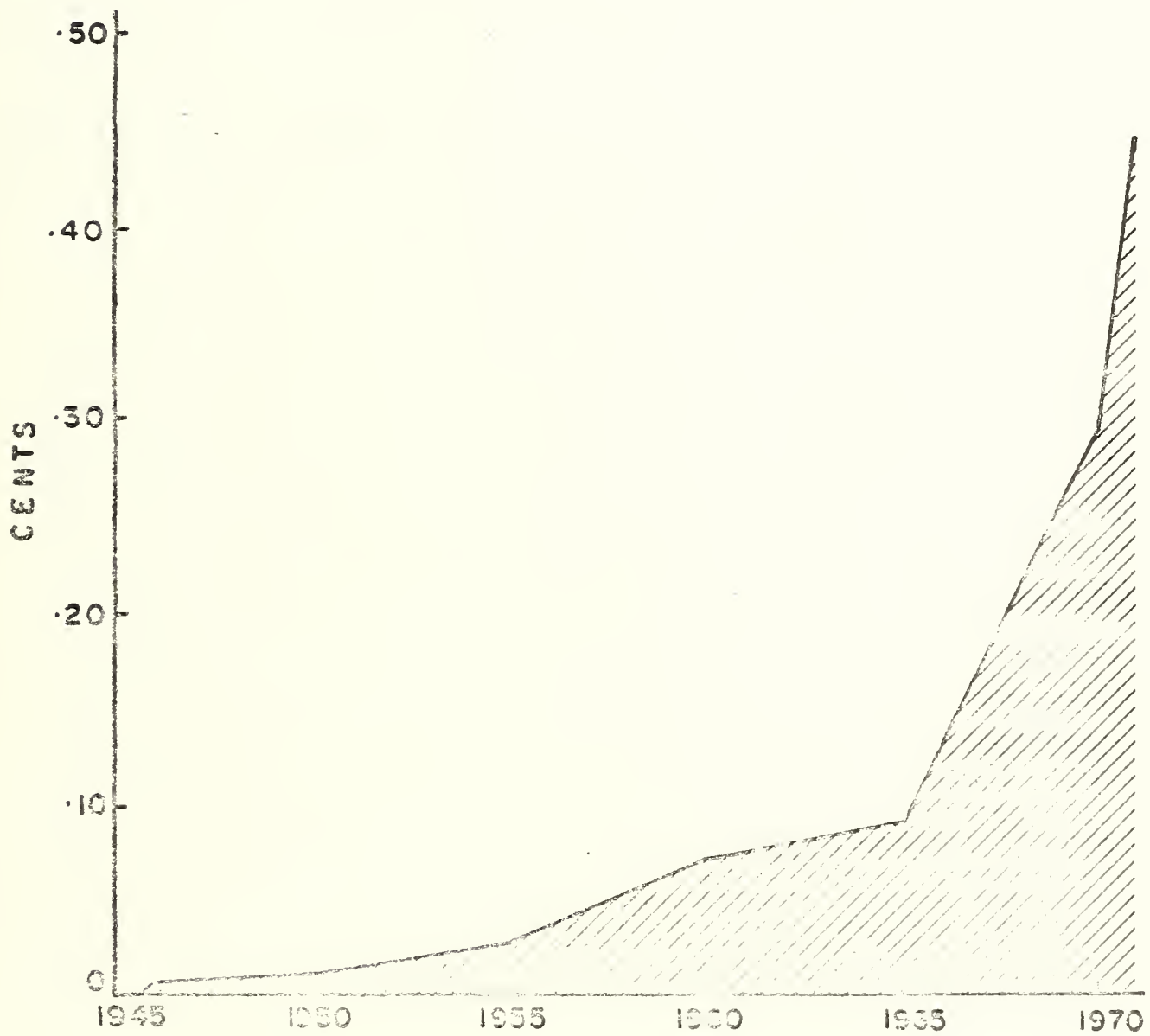
One may suppose with Marshall McLuhan that the communications media have made widespread public involvement possible but the focus of their attention really began in the late sixties

with their more immediate problems. The advent of widespread high rise apartment building and its impact on neighbouring single family homes brought the local inhabitants into sharp contact with the planning process. In fact for many the planner became identified with the developer. From this initial conflict the concern of the individual grew at a great pace and soon the ratepayers were out in strength to oppose not only apartments but shopping centres and, historically one feels, an expressway. This, reinforced by a gathering storm of protest about pollution, population, parks and the environment brought into focus a new facet of planning, that of public participation. Perhaps a future historian will characterize the seventies as the decade of the people.

1.1.4 A Quantitative Result

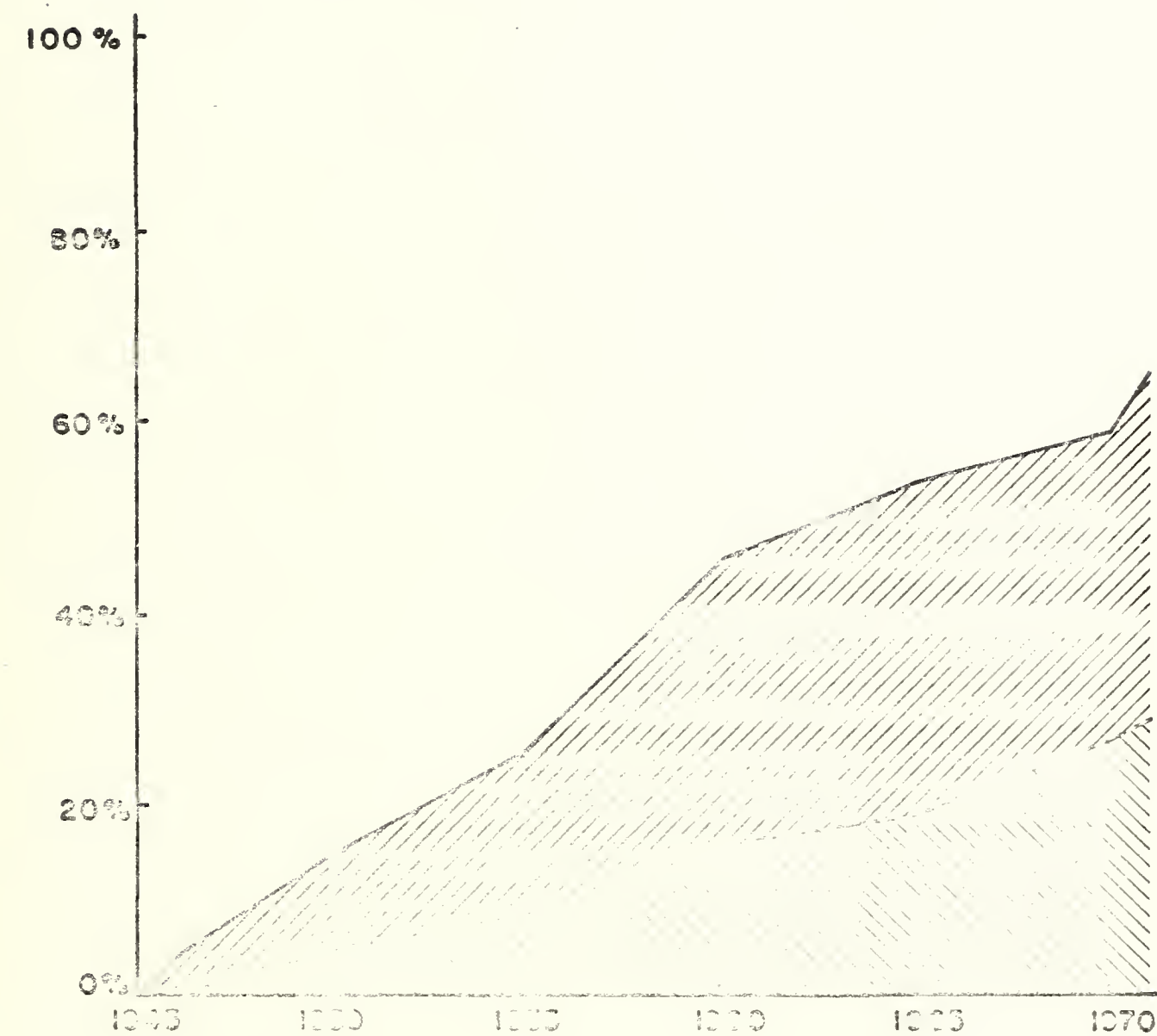
As a measure of the development of planning activity during the review period a number of selected statistics have been gathered and are shown on Table A. To illustrate the more salient factors charts of these are given in Figures to

During the twenty-five year period the population of the Province has virtually doubled from 3.7 million to 7.2 million. The number of municipalities has decreased slightly



EXCLUDING REDEVELOPMENT (URBAN RENEWAL) GRANTS AND PLANNING GRANTS

Fig.1 Per Capita Expenditure by
Community Planning Branch
1946-1971



— ORGANISED MUNICIPALITIES INCLUDED IN PLANNING AREAS AS % TOTAL ONTARIO ORGANISED MUNICIPALITIES 1945-1971

- - - ORGANISED MUNICIPALITIES COVERED BY OFFICIAL PLANS AS % TOTAL ONTARIO MUNICIPALITIES 1945-1971

Fig. 2 Planning in Ontario
Municipalities 1945-1971

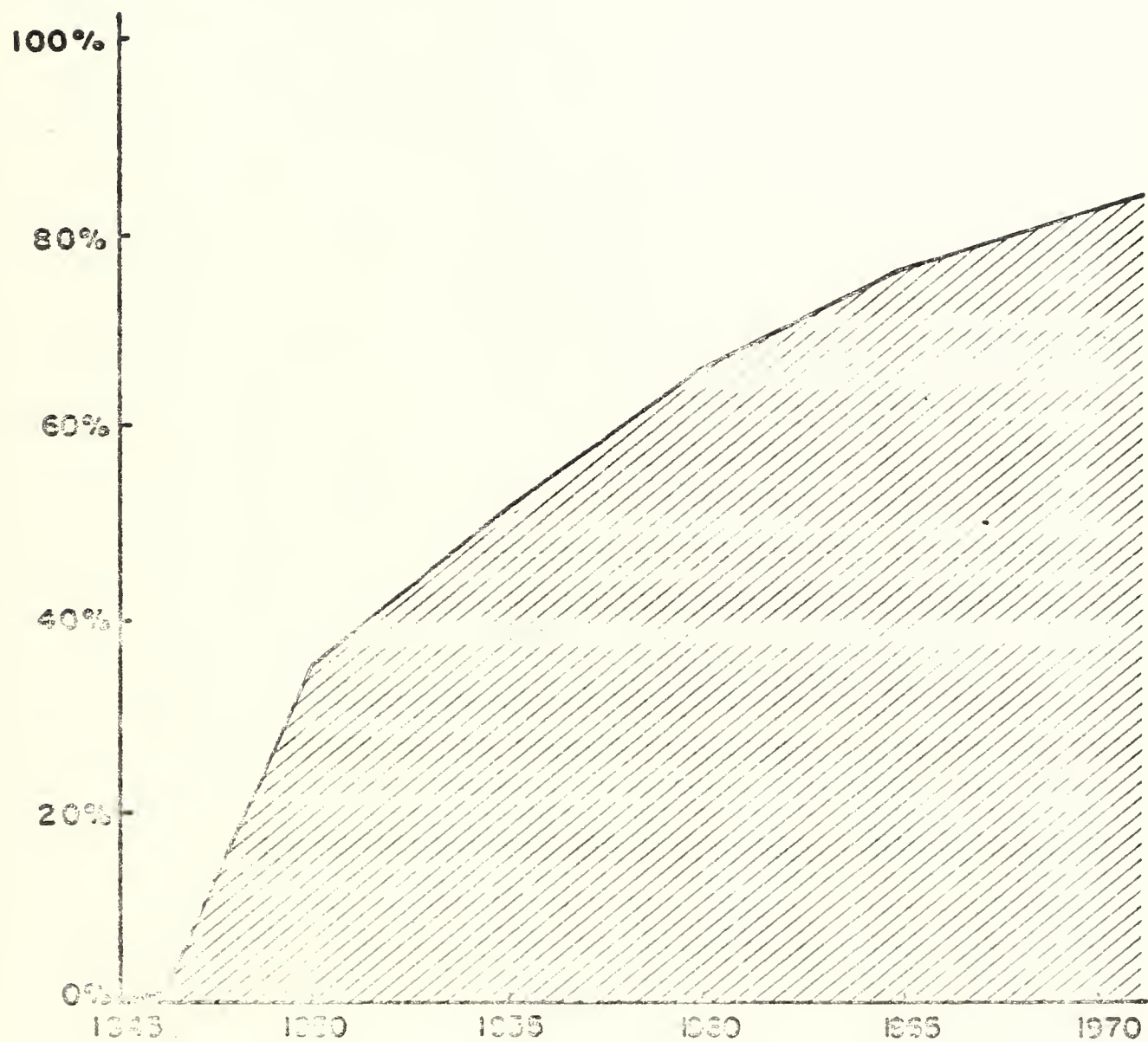


Fig. 3 Percentage of Ontario Population Covered by Official Plans 1945-1971

from annexations and amalgamations and is now 882. As a measure of the planning activity the Provincial government expenditures for the Community Planning Branch (excluding urban renewal) on a per capita basis, Figure , rose from half a cent in 1946 to 46 cents in 1971 with a dramatic increase between 1965 and 1970 from 9 cents to 34 cents.

Taking the total number of municipalities compared to the number within planning areas, just over 60%, and those covered by official plans, just under 30%, as shown on Figure , it is immediately evident that at the municipal level itself the results of twenty-five years of permissiveness have still left half the Province unblessed with planning, at least geographically. Numerically, the developed areas are those that have planned and over 80% of the population now lives in municipalities with plans, Figure . These figures say little of the quality of the planning, and indeed there are no figures to show this, but they do indicate the quantity.

Other figures in Table illustrate the increasing complexity of the planning process as a whole. Thus the number of comments on zoning bylaws made to the Municipal Board has increased almost threefold in the last 10 years and Committee

of Adjustment decisions reviewed have increased 250%. The imposition of subdivision control by the Province has meant that the granting of consents by the Minister increased ten-fold but a slowing of population growth and variations in economic activity is reflected in changes in the number of subdivision plans submitted.

TABLE A

STATISTICAL SUMMARY OF PLANNING ACTIVITIES IN ONTARIO - 1946-1971

	1946	1950	1955	1960	1965	1970	1971
Population	3,694,528	4,202,539	5,013,324	5,808,978	6,496,035	7,211,605	7,404,939
No. of Organized Municipalities	911	919	932	937	935	882	882
Community Planning Branch Expenditures* (not including urban renewal)	\$ 18,910	\$ 45,408	\$ 130,197	\$ 400,602	\$ 605,000	\$ 2,117,532	\$ 3,273,000 (E)
Planning Grants	\$ 0	\$ 0	\$ 0	\$ 0	\$ 21,100 ⁽⁶⁸⁾	\$ 62,534	\$ 164,000 (E)
Urban Renewal Grants	NA	\$ 56,000	\$ 288,000	\$ 775,608	\$ 1,225,954	\$ 6,201,605	\$ 5,000,000 (E)
Planning Areas							
- Total Number (cumulative)	23	107	211	334	396	403	440
- No. of Organized Municipalities Covered (cumulative)	36	126	237	422	492	514	568
- % of Organized Municipalities Covered	4%	14%	25%	45%	53%	58%	64%
Official Plans							
- Total Number Approved (cumulative)	1	28	57	100	135	192	208
- No. of Amendments Approved (By Preceding Intervals)	NC	NC	NC	582	834	989	185
- Population Covered	29,700	1,499,700	2,575,300	3,763,220	4,872,400	5,835,000	6,072,250
- % Total Ontario Population Covered	.8%	.36%	.51%	.65%	.75%	.81%	.82%
- Municipalities Covered	1	38	74	138	172	229	252
- % Total Municipalities Covered	.1%	.4%	.8%	15%	18%	26%	28%
Subdivision Plans							
- Total Submitted (Be Preceding Intervals)	760	3,153	6,424	6,256	3,697	4,968	1,010
Zoning Bylaws							
- Comments to O.M.B.	NC	192	624	628	1,231	1,598	1,472
Committee of Adjustment							
- Decisions Reviewed	NC	137	1,242	2,072	3,884	5,009	NC
Granting of Consents	NA	23	155	268	1,347	5,689	5,932
Urban Redevelopment Areas (cumulative)	NA	NA	3	11	21	33	35

* Financial figures given for fiscal year ending March 31st following year 1946 - Fiscal year April 1, 1946 - March 31, 1947

E Estimate

NA Not Applicable

NC Not Compiled

Source: Department of Municipal Affairs, Community Planning Branch Files

1.2 A Functional Review

The municipal planning process in Ontario is carried out under the provisions of The Planning Act. At the municipal level, activity is centred in planning boards, although the final decisions in most matters are in the hands of the municipal councils. In the new regional municipalities, where no provision is made for a regional planning board, the council exercises all of a planning board's functions.

The Community Planning Branch administers The Planning Act, and has always been the hub of provincial involvement in municipal planning. In recent years, the emergence of the Province as a planning body in its own right has drawn the Regional Development Branch more toward the centre of the stage. Other provincial departments and commissions have important effects on the process, and of these, the Ontario Municipal Board occupies a unique position of power and influence over the course of events.

Although not a part of the formal process, the federal government in various programs has significant impact in a number of specific areas. The development industry is

a catalyst for much of the municipal planning activity, and as a result has occupied a prominent place from the beginning. Completing the picture are the planners and the public, whose roles in the process are evolving in new directions.


As a starting point for this review, it will perhaps be instructive to describe in a summary way the function of each of the above, and to discuss their significance thus far in the municipal planning process.

1.2.1 The Planning Act

The Act, in its 1971 version, covers three broad parts; the creation of planning areas and boards together with the adoption of official plans; the division of land; and the adoption of zoning, building and similar bylaws. Other but minor parts deal with committees of adjustment who allow minor changes to zoning bylaws or consent to individual land severances, and remedies and administrative matters.

The Minister, either when asked by local municipalities or on his own initiative defines a planning area. Municipalities appoint planning boards whose duty then is to prepare an official plan. Plans are recommended by boards, adopted by Councils and approved by the Minister. In the process, the Minister consults those he considers affected by the plan and may modify it accordingly. When once approved bylaws or public works which do not conform to the plan are prohibited and municipalities are given powers to acquire and dispose of land for implementation and urban renewal purposes. They may also then adopt redevelopment plans and bylaws also for renewal purposes.

The subdivision of land is primarily the Minister's responsibility although he consults with the municipalities. No conveyance of land is now legal in the Province unless



it is by way of registered plan, approved by the Minister or, for single or a few lots, by way of the consent of a committee of adjustment. A potential vendor of lots will have a plan of subdivision drawn up and will submit it for approval. The Minister confers with departments and others concerned and settles a draft plan to meet the requirements. He may impose conditions, land dedications and parks provisions and when satisfied these have been fulfilled he will approve the plan for registration.

Bylaws for zoning and building regulation are passed by municipal councils but only come into force when approved by the Municipal Board. The procedure involves notification of affected persons, a hearing of objections and a decision by the Board. All of the requirements for this and for the other approval procedures are set out in the Act.

A Synopsis of the Evolution of The Planning Act

While many of the details have changed, the 1946 Act contained provisions which dealt substantially with the same matters as today. It too covered the establishment of planning areas, composition and duties of planning boards and the formulation and approval of official plans. It

contained provisions regarding conformity and the acquisition of land for planning purposes and gave the Minister power to plan in the absence of local action. It set up urban development (subdivision control) areas and prescribed the manner of subdivision approval. Zoning and building matters were under the aegis of the Municipal Act.

In distinction to today, this Act dealt specifically with 'Housing Projects', defined as projects to furnish housing together with public, recreational and commercial facilities. Municipalities could with approval enter into agreements for projects and deal in land. They could even initiate projects themselves for temporary housing.

In 1947 and 1949 the Act was amended. In 1947 the definition of an official plan, first given in general terms, was expanded to include detailed regulations for buildings analogous to zoning but this was removed again in 1949. In 1947 alterations to plans were recognized and conformity provisions, which previously could be overridden by a two thirds vote of Council, were made total. At this time also committees of adjustment were introduced and land of more than 10 acres was placed beyond subdivision control. The power of consent for severance was given to the planning board.

The evolution during the early 1950's saw the scope of the Minister's powers for planning areas and boards widened considerably with a partial but limited recognition of a role for Counties in planning. The redevelopment provisions were introduced replacing the purely housing provisions and privately initiated plan amendments were countenanced.

An accumulation of amendments necessitated a rewriting of the Act in 1955. At this time substantive changes were made to the provisions for planning areas which took a form similar to those of today. Also for the first time, official plan amendments were formally recognized.

With the transfer of the Community Planning Branch to the Department of Municipal Affairs in 1959, the zoning and building provisions were transferred to The Planning Act from the Municipal Act and subdivision agreements became legal conditions of approval.

During the succeeding early sixties, committees of adjustment, whose appointment previously had been dependent on the existence of an official plan, became, in 1962, dependent on the existence of a zoning bylaw. The urban renewal provisions were expanded particularly to expressly permit special studies and the entering into of agreements with any governmental authority. The

conditions for subdivision approval were extended to cover consents to sever individual parcels and shortly after the power to grant consents was transferred from planning boards to committees of adjustment. At this time also Counties were added to the definition of a municipality for official plan purposes though not for any other. The following year the power of a county for developing features of an official plan and for dealing in land was repealed.

The provision regarding reference to the Municipal Board which previously had been unexceptional, could ^{never} ~~not~~ involve parts of official plans and subdivision conditions and the Minister was given discretion where requests for reference might not be in good faith. In the mid-sixties provisions for maintenance and occupancy bylaws were added and the procedure for the disposal of 5% parklands was simplified.

The more recent evolution has seen an expansion of the procedures for the approval of zoning bylaws whereby regulations for this may be prescribed by the Lieutenant-Governor and public hearings may in some cases be dispensed with. Counties are ~~not~~ permitted to take over building inspection from local municipalities and last, but certainly not least, in 1970 subdivision control was effected for the

whole province and the power of consent was widely altered with official plan conditions and the creation of county land division committees.

Commentary

A first glance at the evolution of the Act seems to show a wide variety of seemingly minor changes and a few major ones without any really discernible pattern except that of increasing complexity. Looking back at the 1946 Act, it seems a relatively simple document (10 pages) compared to the 1971 Act (48 pages) although the similarities may well be said to be greater than the differences.

In attempting to trace lines of policy change and directions in which this is headed one is immediately struck by the difficulty that this presents. Some matters have arisen but once in the 25 years, others have tended to recur. However, one overriding fact that is revealed, is the experimental nature of changes. Perhaps it cannot be definitely said that the Act was heading in any particular direction, the changes might well have been merely political reactions to immediate problems worrying the elected officials of the day. Nevertheless, there is certainly a feeling that many were done in a spirit of - 'let's see what happens'.

Underlying this spirit was of course the basic philosophy of regarding planning as solely a municipal function for so much of the period. Another way of looking at the Act is to say that its changes and vacillations indicate that the government did not choose to have any policy for its evolution and did not reflect on the Act as a whole when amending it. In true democratic fashion, it may be seen to have believed that the Act would be best shaped by the process of meeting the problems as they arose and that the wisdom of municipal usage and claim for change would forge a better document evolving with the times.

Dominant in the evolution has been the theme of permissiveness. This is nowhere better illustrated than in the sections dealing with the preparation of official plans! Once formed, the planning board was required to carry out prescribed planning activity and the Act has always stated that it shall prepare a plan. However, the language for Council's action has always said that it may adopt the plan. Thus while there always has been considerable emphasis on engaging in planning, in the final resort it was only optional for the Council to formalize it.

If they so chose then a number of other things might ensue but in the three broad parts, the adoption of a plan, the

passing of subdivision control (until imposed by the Province in 1970) and the passing of zoning controls, the action of Councils was permitted and not required.

The Minister's position in the Act is likewise discretionary and the word "may" governs almost all his significant powers.

While these are very wide extending to the creation of planning areas on his own initiative and the making of provisions for official plans, he is not required to plan either. Thus, throughout its history the Act has really considered planning an option.

Not only this, it emphasized that planning was a municipal function. In the early years, the Minister had little power at all except that involved in approvals, and ever since he was given the power to initiate planning in 1952 or to control zoning and subdivision in 1951, his role has still been that of approving and arbitrating rather than of actually doing any planning himself.

The Act has been amended almost every year since it was first passed. Many of the changes are administrative and have been made as a consequence of the day-to-day dealings to facilitate administration, remove anomalies or tighten procedures. Such

changes are responsive in that they have resulted from a demand arising out of current uses.

When the more major amendments are considered, the same approach has been taken, that of response to some outside pressure. Thus the redevelopment and housing provisions introduced in 1952 and 1964 came as a result of studies and the recognition of the need for special measures to deal with the problem of declining urban areas. The conditions permissible for subdivision agreements were given legislative sanction in 1959, although practised for a long time beforehand, as a result of a court case in the matter. The transfer of the power of consent from planning boards to committees of adjustment effected in 1964 was made to free planning board to plan! In all these and other cases the legislation responded to existing conditions rather than anticipated new demands. In fact few if any examples can be given of a change motivated by any looking to the future.

As an illustration of the absence of positive direction and apparent vacillation, the role of counties in planning is one that has been subject to a number of legislative changes. At first they were virtually excluded from the planning process altogether being omitted from the 1946 definition of a

municipality. This was changed in 1952 to enable them to give financial assistance and, in 1957, to assume financial responsibilities. However, they were not formerly included until 1962 when the definition of a municipality was changed, and even then they had no implementing powers. They were, however, given power in 1952 to deal in land and develop features of an official plan but this was repealed in 1962. In 1967 provision was made to enable counties to take over building inspection from local municipalities.

It seems obvious that wholehearted support for county planning was not entertained and that acknowledgement of it was tentative and again experimental. A further step was taken in 1970 when county land division committees were introduced but county planning as such is not really recognized in the Act. Joint planning is the approach detailed and one is left to presume that this could, but not should, involve counties. This latter is a reflection of the permissive approach noted above and does not reveal any real thinking that counties ought to plan.

In summing up, the substance and philosophy of the original Act remain not only intact but surprisingly relevant to municipal planning. Even if the changes in the interim

were made much more in reaction to developing problems on an individual basis rather than according to any previously envisaged direction this is not necessarily a criticism of the Act itself.

In terms of general government policy with its emphasis on permissiveness it has worked well and its provisions have not been availed of, it is the policy itself and not the Act which should be judged. Ontario has been well served by an Act that is both flexible and comprehensive and if there now be any serious problems of planning, or a lack thereof, the implementation of the Act and not its substance should be examined.

1.2.2 The Municipal Level

1.2.2.a. Planning Areas and Planning Boards

Councils of municipalities may apply, under Section 2 of the Act, for a planning area to be defined. The general sequence of events is best shown diagrammatically as on Figure 4 .

Planning areas may be single (one municipality or part thereof) or joint (two or more municipalities or parts thereof). Joint areas may include subsidiaries for their constituent municipalities. The three types are found over all of the Province but there has been a tendency in the last few years to encourage joint areas over single ones, a reflection of the extent of planning problems and their transgression of municipal boundaries.

Planning boards are appointed by the councils concerned and the appointments to joint boards are subject to the approval of the Minister. Their activities are funded by the Council(s) concerned after presentation of estimates.

Although normally a matter of municipal initiative, planning areas may also be set up by the Minister on his own initiative. This power has however been little used and never without some support from the local level. The Minister also has wide powers to vary constitutions, procedures, functions, and even

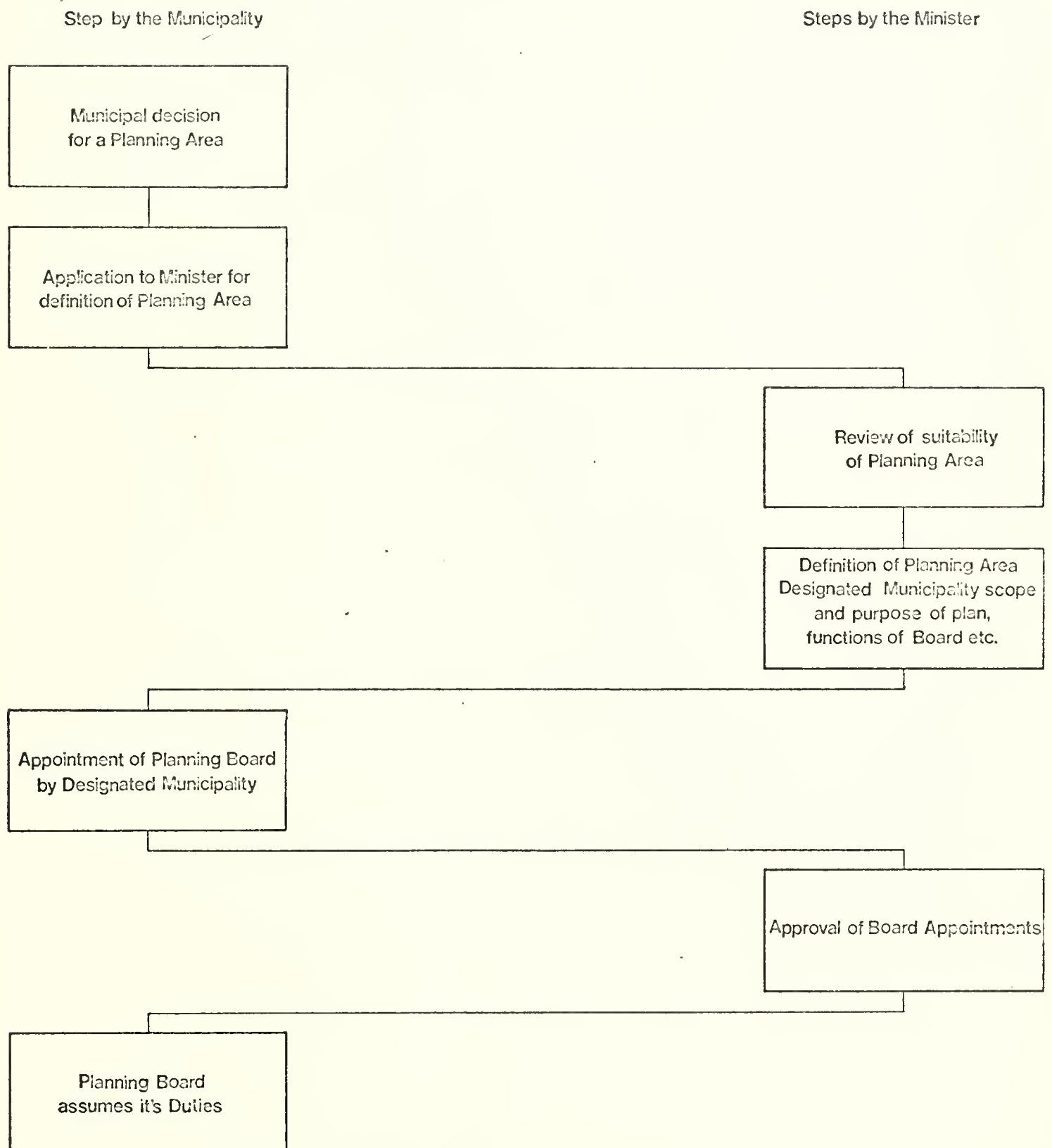


Fig.4 THE DEFINITION OF
PLANNING AREAS AND BOARDS

the scope of the plan they will prepare. This power has been used, more frequently of late and has enabled a variety of experimental approaches to be tried.

The establishment of a planning area is the prerequisite for preparing an official plan and is the beginning point for all municipal planning activity. Municipalities may pass zoning bylaws and recommend on plans of subdivision but contrary to what many people think these actions do not constitute planning. They may implement an official plan but they are a secondary and not primary activity.

After the passing of the 1946 Planning Act, planning boards were set up by the Minister on application of the municipalities concerned with little question. For some 15 years, to the end of the '50s, the role of the Minister was to rubber stamp the application. From time to time there would be disagreements among municipalities in the formation of a joint planning board and the Minister would act as an arbiter. The appropriateness of the planning area as a functioning planning unit and the role of the planning board(s) does not seem to have been questioned.

The conventional wisdom of the time no doubt believed that the municipalities themselves would choose an appropriate

to one
else
 planning area or that the municipal units were appropriate. This, of course, was another reflection of the dominance of local autonomy and the belief that planning was solely a municipal function. In keeping with this it was also believed in the early days of few professionals that the boards would do the planning and that their members would be appointed from among interested citizens, a view which could be traced to the British concept of the gifted amateur in public life and the North American one of the civic guild.

When planning was a more simple function and life was less complex, there was a good purpose to be served by the boards and many undoubtedly performed a valuable service. However, now that the process is becoming much more technical and professional staff is trained to do the planning the *raison d'être* of the boards has diminished.

For almost two decades the role of the Minister was mainly that of approval and such other matters that did come before him were usually more of a political than a planning nature. Two such matters recurred frequently.

The first of these revolved around the question of the designated municipality. Although The Planning Act has never assigned much more than the appointment of the board

and the adoption of the official plan to the designated municipality almost from the first this term was taken to imply some kind of dominance. Disavowal of this constantly had to be provided by the Minister and it seems somewhat curious that the Act was not changed since there does not seem to be any other necessity for a designated municipality.

The other matter of even greater import which recurs still concerns relations between the planning board and council. Many councils were reluctant to provide much in the way of funds for their boards, probably believing that they were laymen inspired by duty, and many municipalities did not have a clear idea of the respective roles of the two bodies. Where a council and planning board disagreed over the merits of any respective planning matter, they often came to the Minister to seek arbitration or a clarification of roles.

A good deal of effort was necessary in the early days to try to harmonize relationships between planning boards and councils. Some of this confusion and a typical reaction of the Minister is illustrated by a letter in June 1957 from the Minister of Planning and Development, to the Clerk of the Township of Toronto following a meeting in which it was


discussed whether the planning board was justified in having its own staff or whether the staff should be transferred to the municipality. The substance of the letter was that The Planning Act imposed upon the board an obligation to appoint a secretary-treasurer and gave him the authority to engage employees and consultants as deemed necessary. The Minister concluded that the intention of the legislature was that the board would be independent and would be able to employ its own staff, etc. He felt it clear that the council should make available sufficient funds to permit the board to carry out the necessary planning program.

From time to time the boards have experienced a good deal of frustration in trying to get councils to adopt or follow a plan and have seen many recommendations overridden. Since The Act in Section 13 says the council may adopt a plan and not shall, and in Section 17 permits a council to initiate amendments which can be approved if there was a two thirds majority, the council is in no way bound by a board and is at liberty to ignore them.

This relationship has often cast the board in the role of a sounding board for public reaction or a means whereby a council could escape unpopular decisions. If public

opposition to a development was forthcoming the responsibility could be laid on the board if they recommended it. The tendency for councils to thus avoid responsibility has led to a body of opinion which believes formal boards to hinder rather than facilitate sound planning. In witness of this in the new regional municipalities the council is the planning board.

As the applications for the setting up of planning boards and areas increased and as the development problems emerged, the Department began to think, in the early '60s, that perhaps it should offer some guidance for the setting up of these bodies. It was becoming concerned at this time over the number of boards that were registered as being inactive. After an initial burst of enthusiasm, or simply because they had been used as a pretext for obtaining a committee of adjustment, many planning boards tended to run down at some point, and the members were no longer reappointed.



As one approach at this time, attention was given towards county planning as a means of obtaining more reasonable planning areas. There were internal discussions in the Department on this matter, but very little actually emerged

in the way of policy to encourage it. Relying as they did on persuasion, it was more a matter of discussion by staff with county politicians and of trying to illustrate to them the merits of county planning than of the government taking any more active role in its promotion. The attitude may be compared with the changes in The Planning Act whereby the attitude of the legislature towards county planning seems to have been much more ambivalent.

In August 1962, the Director of the Community Planning Branch, wrote a memo to the Minister commenting on the need for policy regarding the definition of planning areas, describing the fact that many municipalities are not actually functioning communities now and that there was a need for joint planning areas to encompass these. He recommended that the Branch offer more leadership in the establishment of suitable joint planning machinery and that incentives should be found to encourage joint planning boards. He suggested that criteria be developed for determining the appropriate boundaries of such areas and that subsidies for planning programs to be conducted by joint planning areas should be offered through an adjustment of the municipal subsidy structure to give advantages to the municipalities in such areas. The memo

finally ended up by saying that if these steps were adopted and were successful, the quality of local planning in Ontario could be substantially improved.

Subsequent to this there is little to indicate that the recommendations of this memorandum were ever considered further. Since the requirements in The Planning Act for planning areas and the municipal grant structure for planning have not been changed even now, it can only be concluded that the government did not wish to be concerned with the planning situation at that time.

The situation became of greater concern in the following years and in June 1965 there was another memorandum from the Director of the Branch. This memorandum was in reference to a proposed planning area for the Township of Monck in the District of Muskoka. The memo is a lengthy one but the excerpt quoted contains a resume of the situation regarding planning areas and boards down to that time. It read as follows:

"For many years after The Planning Act was passed in 1946, a very substantial effort had to be made by this Branch in order to persuade municipalities to appoint planning boards. Many planning areas that were defined in this earlier period did not result in the appointment of planning boards and in those cases where planning boards were appointed

they were frequently allowed to become dormant. Only a fraction of the almost 400 planning areas that have been defined have active planning boards with technically competent staff to assist them in carrying out their responsibilities. Also, many planning areas are coterminous with a single municipality, rather than embracing the whole community.

"Over the years, we have become increasingly dissatisfied with the situation and gradually developed the practice of obtaining certain undertakings from municipal councils before recommending to the Minister that applications for the definition of planning areas be granted. In particular, we have asked for some evidence that the council understands what is involved in a planning program. We have also asked for some evidence that adequate resources - mainly money - will be made available to the planning board to enable it to hire staff or engage consultants. We have also been very much concerned about ensuring that the area to be included is a logical planning unit."

It went on to describe the work done by the Branch in connection with the definition of the Waterloo County Planning Area and to say that similar studies were now being carried out on applications for other large planning areas. It was felt then that while fewer planning areas might be defined, those that were would have a greater likelihood of resulting in effective planning.

It is thus evident that by the mid '60s a good deal of attention was being devoted to what was considered a

fundamental matter for improving planning in the Province. Shortly after the above memorandum was written there was an internal policy memorandum which stated that a general policy should be adopted of refusing to permit the establishment of planning areas unless:

- "1. The proposed planning area is a complete planning unit.
2. The Municipal Council or Councils in the proposed planning area have demonstrated an understanding of the planning function and acceptance of the municipal responsibilities that follow on the establishment of a planning board, including the need to provide financial and other supports for planning board and the need to implement plans that are prepared, adopted and approved."

From this time on whenever faced with applications for setting up planning areas, the Branch has endeavoured to review each application for suitability and to negotiate with the municipalities concerned to achieve an appropriate unit. Difficulty has been experienced with some applications in defining suitable boundaries, but on the whole more logical planning units are now achieved.

One special difficulty was that although joint planning areas could include only parts of municipalities, the municipal boundary was of such prominent significance that in many cases

it was difficult to avoid. Besides autonomy, one of the other sacred cows of local government is, of course, their boundaries and the Province as a whole has tended to shy away from this question leaving it largely to the Ontario Municipal Board. For planning purposes, many municipal boundaries should have been altered a long time ago but the emotional role that they play transcends more logical planning demands.

In this context, it is perhaps significant that a further internal memorandum in September 1968 reflected a new uncertainty concerning planning areas when regional governments first began to be announced. This memorandum stated that in view of the apparent intention to give early and sympathetic consideration to regional government, the Branch should not develop very much effort in establishing new large joint planning areas and boards. It recommended that the Branch not take the initiative or show too much missionary zeal in this regard but that they should still continue to consider applications arising at the local level. It warned of the danger of frustrating the efforts of the government in establishing the regions if large planning units were selected that might conflict with them.

In the face of this memorandum, it is difficult not to conclude that the government does not think through its various actions in a total planning concept. On the one hand it is pursuing regional governments, not the least reason for which was the dire necessity for better planning, but at the same time it is having to halt in mid tracks on a policy of promoting joint planning areas. It is surely evident from this that the question of regional governments and the question of appropriate planning areas has never been properly related.

In reviewing the Directory of Planning Boards, it may be observed that 39 single independent areas have been created since 1966 and 26 joint ones. On the face of it, this would seem to call into question that the policy of requiring more logical units was strongly applied. Some of these single independents concern areas in Northern Ontario for which it would be difficult to criticize, but a number of others were created in Southern Ontario.

For example, the Villages of Ailsa Craig (population 586), Grand Valley (908), and Jarvis (932) were all set up as single independent areas notwithstanding the fact that they were either within or immediately adjacent to other

Townships which also have single independent areas. In the case of Ailsa Craig, it is right in the middle of a joint planning area. In these circumstances, it seems difficult to believe that the villages in question form logical planning units on their own. It should further be observed that in the case of Jarvis which is in the Township of Walpole, that not only it, but also that Township and the Township of Rainham each have single independent planning areas notwithstanding the fact that the government itself is engaged in a planning study of the Haldimand - Norfolk area. It must seem curious to an outside observer that with such an extensive planning study being carried out there was not appropriate material to suggest what would be a logical planning unit that could include the Village of Jarvis.

Also within the Haldimand - Norfolk Study are the Townships of Houghton, North Walsingham, South Walsingham and the Village of Port Rowan each of which is again a single independent planning area. That each of these might form a logical planning area by itself simply defies the imagination.

In all fairness it must be acknowledged that as long as local views on matters such as these are regarded as

sacrosanct such anomalies must continue. It is not only local emotions that cause problems for obtaining more rational areas, there are structural difficulties too. Many joint boards have been formed from apparently logical areas and have still had difficulty in functioning.

The large Hamilton - Wentworth Area was formed as long ago as 1949. It employed staff and pursued an active program but was never able to produce a regional plan or even a cooperative program to cover the whole area and for much of its time the City and the County went their independent ways. Political independence, a rural - urban tension and an inability to recognize a sufficient community of interest all militated against a joint effort. Again the Central Ontario Joint Planning Area embarked on a very ambitious planning program underwritten in a large part by the Province. The program floundered, however, before any regional plan could be adopted since the difficulty of reconciling the divergent political views could not be overcome when the members were all equals and several urban centres were in competition with each other.

While these examples should not be taken to indicate any failure of joint planning, much of which has undoubtedly

been successful, they do show that a closer relation between planning and political jurisdiction is more than desirable. Larger planning areas will need larger local governments.

1.2.2.b The Metropolitan Toronto Planning Board

The Metropolitan Toronto Planning Board is a joint planning board, and by any measurement is by far the most outstanding among them. Indeed, in most ways the Metro Board has achieved the highest level of performance of any of the municipal planning agencies in Ontario. The story is a unique one and is of such significance that separate discussion is warranted in this Review.

In its jurisdictional reach, broad program, and political and financial strength, the Metro Board foreshadowed the 'regional' municipal planning agencies created in recent years. In the Board's successes, and even in its setbacks throughout its 19 years' experience, important lessons are to be learned. The succeeding chapter dealing with planning in the new regional municipalities will show that those lessons have not always been read.

Initially, the Metro Planning Area covered not only the original thirteen municipalities comprising Metropolitan Toronto proper, but also the thirteen in the immediate surrounding fringe, for a total of 715 square miles.⁽¹⁾

⁽¹⁾ On January 1, 1970, the Metro Planning Area was reduced by 205 square miles and 6 municipalities when Woodbridge, Vaughan, Richmond Hill, Markham Town, Markham Township and Stouffville were reorganized into the Regional Municipality of York.

"The scope and general purpose of an Official Plan for the Metropolitan Toronto Planning Area" were set out in the Municipality of Metropolitan Toronto Act (now Section 202), which specified:

- land use...
- ways of communication
- sanitation
- green belts and park areas
- public transportation.

This outline was soon seen to be inadequate in defining the scope of the Metro Planning Board's operations, but in the 5 or so years which occupied the preparation of the first Draft Metropolitan Official Plan, and in the subsequent 5 years during which the original plan was revised, there was little further guidance, formal or informal, from the province as to the proper scope of a Metropolitan Official Plan. While these basic matters were being pursued, the Board undertook many other major studies (e.g. the Metropolitan Urban Renewal Study, the Waterfront Plan, apartment density standards, etc.), and joint studies with provincial agencies (e.g. public housing, M.T.A.R.T.S.) which led to metropolitan policies and plans. These found expression both in metropolitan legislation and programs and in local bylaws and public works. With relatively few exceptions, the local Official Plans which were adopted or

revised after the formation of the Metro Planning Board reflected in a substantial way the Metropolitan Planning Board's and Council's basic operating policies. It is noteworthy that this was generally as true of the 13 fringe municipalities outside the Council's direct jurisdiction as the 13 municipalities originally within that jurisdiction.

There are two special qualities which characterize Metro Planning Board undertakings --- the attention to the metropolitan interest, and the high degree of professionalism in the work. These have contributed largely to the generally harmonious working relationships which have been built up over the years with the local planning boards (some of which now rival or exceed Metro in size and budget) and with the Community Planning Branch and the major provincial departments. Without those relationships, the Board's level of effectiveness could never have been attained. Nor is it likely that the province's own policies (such as, for example, the phasing out of septic tank development, the preservation of the valleylands and the conservation of major headwater areas, could have been attained without the active cooperation of the Metro Planning Board.

In its early years, the Metro Board necessarily devoted considerable energy to matters of essentially local concern. 'Liaison planners' were employed, whose duties were to provide

staff services (without charge) on request to area municipalities. Subdivision administration, now capably carried out by a single clerk, was a major staff function engaging 4 or 5 persons headed by a senior professional.

However, as the member municipalities rapidly increased their own planning capabilities Metro was able to withdraw easily and early from local involvement. In the Metro Planning Area of 1954, only Toronto, Scarborough, North York, Etobicoke and Toronto Township (now Mississauga) employed any permanent planning staff, and their combined total probably did not exceed 15 persons.⁽²⁾ Ten years later, North York alone employed more than twice that number. Permanent staff were engaged in all of the larger municipalities, and many of the smaller units retained consultants.

Equal impetus to the withdrawal process was provided by the many matters of genuine metropolitan scope and interest which demanded attention. This central fact should not be lost sight of. The metropolitan issues were there. The success of the Metro-local relationship in planning derives from the early and continued focus by Metro on very real problems common to the whole area.

⁽²⁾ In fact, the original Metro Planning staff had been recruited largely from the existing local planning staffs, seriously depleting their already meagre ranks.

The differences between similar problems (which the local municipalities were able to resolve individually) and common problems (which required metropolitan treatment) became increasingly apparent as local technical capabilities were established. There was also an increasing resistance at the local political level to metropolitan "interference" in matters which were essentially of local concern.⁽³⁾ By the end of the 1950's it was generally true that metropolitan planning efforts were devoted mainly to the achievement of metropolitan programs and goals and to reviewing local efforts within this metropolitan context.

The development of the relatively smooth relationship with the Community Planning Branch and other provincial departments was undoubtedly supported by the general spirit of Metro-Provincial partnership which emanated from personal accord between the then Prime Minister of Ontario, the Hon. Leslie Frost, and the first Metropolitan Chairman, F.G. Gardiner. The relationship was also sustained by the calibre of Metro's

(3) The question of service station sites provides a good illustration of the early metropolitan withdrawal from matters of "local" concern. While the metropolitan planners undoubtedly had strong professional convictions in this area they managed within a relatively few years to restrict themselves to dealing only with such questions as the relationship of specific service station sites to the operation of metropolitan roads, and to ignore fundamental questions of planning "principle" which were seen to be of concern to local residents only.

professional staff and its comprehensive program. In the planning wilderness that was post-war Southern Ontario, Metropolitan Toronto was a cultivated garden, where cooperation was mutual and provincial intervention unthinkable.

Though provincial intervention was absent (until recently), friction did arise from time to time. This was largely the result of provincial determination not to acknowledge in any formal sense the supervisory nature of Metro's role in its planning area -- at least not in the absence of a Metropolitan Official Plan. Though Metro's views concerning local planning actions were solicited and usually attended to, in the end the province almost always took the position that the Metro voice was only one of many to which it would listen (alike, for example, to Ontario Hydro and the two national railways); the decision, when it came, would be the province's, not Metro's, and Metro sometimes would find itself effectively excluded even from the negotiations between the province and the local municipalities.

The high standards and broad program were founded on the financial backing of Metropolitan Toronto⁽⁴⁾ and Council's financial support was always forthcoming. It was the Board's

(4)

Usually, all of the municipalities in a joint planning area contribute to the budget of the joint board. Metropolitan Toronto always assumed the whole of the Metro Planning Board budget, although the Planning Area included municipalities beyond its limits.

policy never to seek direct financial support from a municipality which maintained its own planning operation and to provide local planning assistance without charge.

Although the Board's political base was strong, it was never complete, and eventually this was revealed as a serious flaw. As a result, and despite its many strengths, the Metro Board never saw the full fruits of its primary endeavour.

The Metropolitan Toronto Act does not specifically direct the adoption of an Official Plan, or set any deadline (as is the case in the legislation which establishes the new regional municipalities) but this is clearly anticipated by the Metro legislation. (5)

The Metro Board did complete its share of the task. An Official Plan was prepared, circulated, and recommended to the Metropolitan Council for adoption. Although ten years' effort had gone into the preparation, public meetings, revisions and refinements, in the end the Metro Council resolved not to make the plan "official" by seeking the Minister's approval.

(5) Thus Section 199(6) "when the Minister has approved an Official Plan adopted by the Metropolitan Council.... and Section 201 "Before an Official Plan for the Metropolitan Toronto Planning Area is adopted...."

Among other things, it was thought that to do so would be to impose a Metro decision on the 13 fringe municipalities which had no political representation on the Metropolitan Council. Even more important was a pervasive concern on the part of many Metro Council members that provincial ratification of the plan would result in a large volume of procedural red tape and other bureaucratic manifestations. The procedures for adopting ~~and amending~~ the Metropolitan Official Plan were thought to be complex (as indeed they would have been under the statutory requirement for active consultation among each of the 6 metropolitan and 13 fringe municipalities with respect to all amendments to both the Metropolitan Official Plan and each of the local ~~Official~~ Plans). This generalized fear was reinforced by the deep personal knowledge which many of the politicians involved had of the difficulties in securing amendment of their own local Official Plans; the spectre of effectively doubling these procedural roadblocks, and dragging 19 other local municipalities into the act as well, was probably more than many of the Metro Council members could bring themselves to contemplate. (6)

(6) It was only in the subsequent regional government legislation that the province acknowledged both the supervisory role of the second tier municipalities and the need to simplify the basic procedural tasks. This was done by authorizing the Minister to delegate to the regional municipalities "any or all" of his planning approval responsibilities, once a Regional Official Plan has been adopted and approved. It is not unlikely that had such

Metro's refusal to make its plan "official" was in effect a rejection of the whole concept of joint planning as provided for under The Planning Act, and it was strange that the question did not loom seriously until so late in the piece. Metro did not attempt to salve its conscience by first securing some kind of formal approval from each of the local municipalities, nor did Council seek the Minister's approval of that part of the plan which applied within the Corporation limits. It can only be concluded that Metro simply did not associate much benefit with ministerial grace.

From these events, it should not be assumed that Metropolitan Toronto remains "unplanned". The Metropolitan Plan is very much in existence. It is referred to, adhered to, or amended when and where deemed appropriate by the Metro Council. It provides the basis for all of the relevant metropolitan programs and policies. The Plan is merely not an Official Plan, and

a provision been in effect at the time, the Metropolitan Official Plan might well have been made "official"; at the very least a good deal of the procedural underbrush would have been cleared away. There can be little doubt however, that The Planning Act, as it was then operated, was not conducive to the operation of a two-level municipal planning system; nor, in the words of a current Metro Planning Board document, has the province, despite its alternate "coaxing and prodding", offered Metro any real solution to these procedural difficulties.

does not carry with it the legal status that attaches to a plan bearing the Minister's approval under Section 14 of The Planning Act. (7)

It is sometimes claimed that the lack of an 'official' plan cost Metro the Spadina Expressway. Given the status of prior ministerial approval, the argument runs, Spadina would not have been torpedoed by the Prime Minister in June 1971. This is difficult to credit. The existing investment in roadway and ditch was a far more tangible commitment by the province. Besides, Spadina was also a feature of the Toronto Official Plan which had received the approval of the Minister of Municipal Affairs less than 18 months earlier, and of the York and North York Official Plans as well.

The failure to seek the Minister's approval for the Metropolitan Plan was little remarked on at the time, but the implications for municipal planning in Ontario are not less significant in consequence. (8) Thus far at least, the real loser appears to have been the provincial government, sponsor of the Metro

(7) Many facets of the Metropolitan Plan do become "official" by virtue of their inclusion in the Official Plans of the City and the Boroughs.

(8) The Ontario Municipal Board is the only body which has openly adopted a strongly critical attitude of Metro's position.

experiment, and also sponsor of a Planning Act which has the municipal Official Plan as its central theme. After all, if joint planning isn't acceptable in the metropolitan community of interest, where else will it work? More important, if Metropolitan Toronto doesn't need an Official Plan, why should anyone else?

1.2.2.c The Regional Municipalities

During recent years, four regional municipalities have been created in Ontario; Ottawa-Carleton (1969), Niagara (1970) and Muskoka and York (1971).⁽⁹⁾ All provide for two tiers of local government, and in the latter three, establishment of the regional municipality was accompanied by some rationalizing of local municipal boundaries. In terms of planning administration, all exhibit these features:

- planning is the direct responsibility of the Regional Council,
- preparation of an Official Plan is mandatory,
- deadlines are established for adoption of the Official Plan (although no sanctions are specified for non-performance) and
- upon approval of the Official Plan, the Minister may delegate various approval functions to the Regional Council.

⁽⁹⁾ All were products of the series of local government reviews begun in 1963 with the Goldenberg Commission on Metropolitan Toronto. Reviews have also been completed in Peel-Halton, The Lakehead, Hamilton-Wentworth, Kitchener-Waterloo and the Sudbury Basin. Legislation passed in 1969 resulted in the amalgamation of Fort William and Port Arthur as parts of Shuniah and Neebing to create the new City of Thunder Bay. The proposal for a huge district municipality covering the area surrounding the west end of Lake Superior was not implemented.

The Lakehead Planning Board continues to operate as a joint board, covering Thunder Bay and adjacent townships.

In all cases, permanent professional staff have been engaged and planning programs are underway including work on the respective Official Plans.

Planning without a planning board is novel in Ontario, but consistent with the prevailing philosophy in the regional municipality legislation, which focuses local powers and functions in the elected council rather than in elected or appointed boards or commissions. Of course, it is still too soon to ascertain whether Planning Boards will be missed, or whether they might be properly phased out elsewhere.

Mandatory Official Plan adoption is also new, and perhaps stems from the unhappy provincial experience with Metropolitan Toronto. Again it is premature to assess the quantitative or qualitative results of the planning programs, or to know whether or not the deadlines will be met, and if not, what will happen to the delinquent council.

For the municipalities, the most tantalizing attraction is the delegation of various powers of approval to the Regional Councils. Which approvals may be among those delegated have not been specified ... subdivisions? zoning bylaws? Perhaps the real test will be the approval of Official Plan Amendments (or at least those where no provincial interest is involved if such could be defined). That kind of a prize might even be

sufficient to induce reluctant Metro to reconsider its position.

The four municipalities represent a fair cross-section of the kinds of circumstances which might prevail if the local government review program is pursued by the government. It may therefore be instructive to speculate on the prospects for the planning programs of these four, based on the lessons derived from the Metro Toronto experience.

At one extreme is Ottawa-Carleton, a large urban-centred region. Although the municipal planning circumstance is rendered atypical by the National Capital Commission presence, in other respects it is analogous to the Metro Toronto situation, with the added advantage that, unlike Metro, the planning jurisdiction and the municipal jurisdiction are co-terminous. Matters of clearly regional scope and import are there, and the Regional Council and staff have been faithful to their stated intention of focussing on such issues. As the local municipalities increase their planning capability (and here some lower tier reorganization might have helped) the regional planning agency will be able to withdraw from local involvement altogether. Accordingly, and without suggesting that no tensions will accrue in the process of reconciling conflicting local and regional objectives, the prospects for a successful regional planning operation in Ottawa-Carleton appear to be bright.

At the other end of the spectrum is the District Municipality of Muskoka, a collection of resort-oriented municipalities with similar, but without common problems. Notwithstanding the production of a District Official Plan, the regional planning operation will ~~really~~ amount to a local planning service. The economies of scale, and a uniform level of planning standards, inspection, and enforcement promise significant improvements over the previous circumstances.

That there is no truly regional planning role will not matter. The lower tier municipalities are too small to initiate their own local planning programs, so that the district municipal planners need not suffer competition in their conduct of what is a centralized, but still local planning operation. Success will depend largely on the maintenance of sensitivity to local objectives from a second tier position.

Regional Niagara and Regional York lie somewhere between the poles, and will probably face difficulties in consequence. Although the Peninsula enjoys a recognizable geographic identity, it remains very much a multi-centred area. In terms of regional planning, there are some matters of common concern, but it is not certain that these can be readily distinguished from important, and even repetitive, but still local matters and emphatically regarded as such by local planners. A further

problem may arise in the form of local conflicts, especially among the four strong and competitive urban centres. As a result, a truly regional planning role may be more difficult to establish and maintain.

Seemingly an even more formidable task is faced by the planners for Regional York, a municipality without any centre, and with obviously divided rather than common interests. For Markham, Vaughan and Richmond Hill, the only regional concerns are those which are shared among themselves or with Metropolitan Toronto.⁽¹⁰⁾ The northern municipalities really share no common planning interests.

As long as the lower tier municipalities eschew programs of their own, the Regional York planning operation can function successfully and usefully as a local planning service. Once again, responsiveness to local wishes in spite of centralized service will be critical. However, it seems probable that if and when difficulties arise in the municipal planning process, they will do so:

- where local residents insist on settling their own local planning issues, with their own staffs, and

⁽¹⁰⁾ The new airport and the Cedarwood Community will accentuate the ties to the south and to the east.

- where Regional York proposals conflict with interest of a true regional nature focussed on centres outside the regional municipality.

Both of these prospects are strongest in the south. In recognition, a coordinating committee comprising senior political and technical representatives from Regional York, Metro Toronto and the Province has been established.⁽¹¹⁾ In addition to resolving specific problems, this Committee may also provide valuable insights into the whole broad question of relationships between regional municipalities.

(11) The Liaison Committee is chaired by the Provincial Treasurer, and includes the Regional Chairman, the Metropolitan Chairman, and planning commissioners, among the civic staff members.

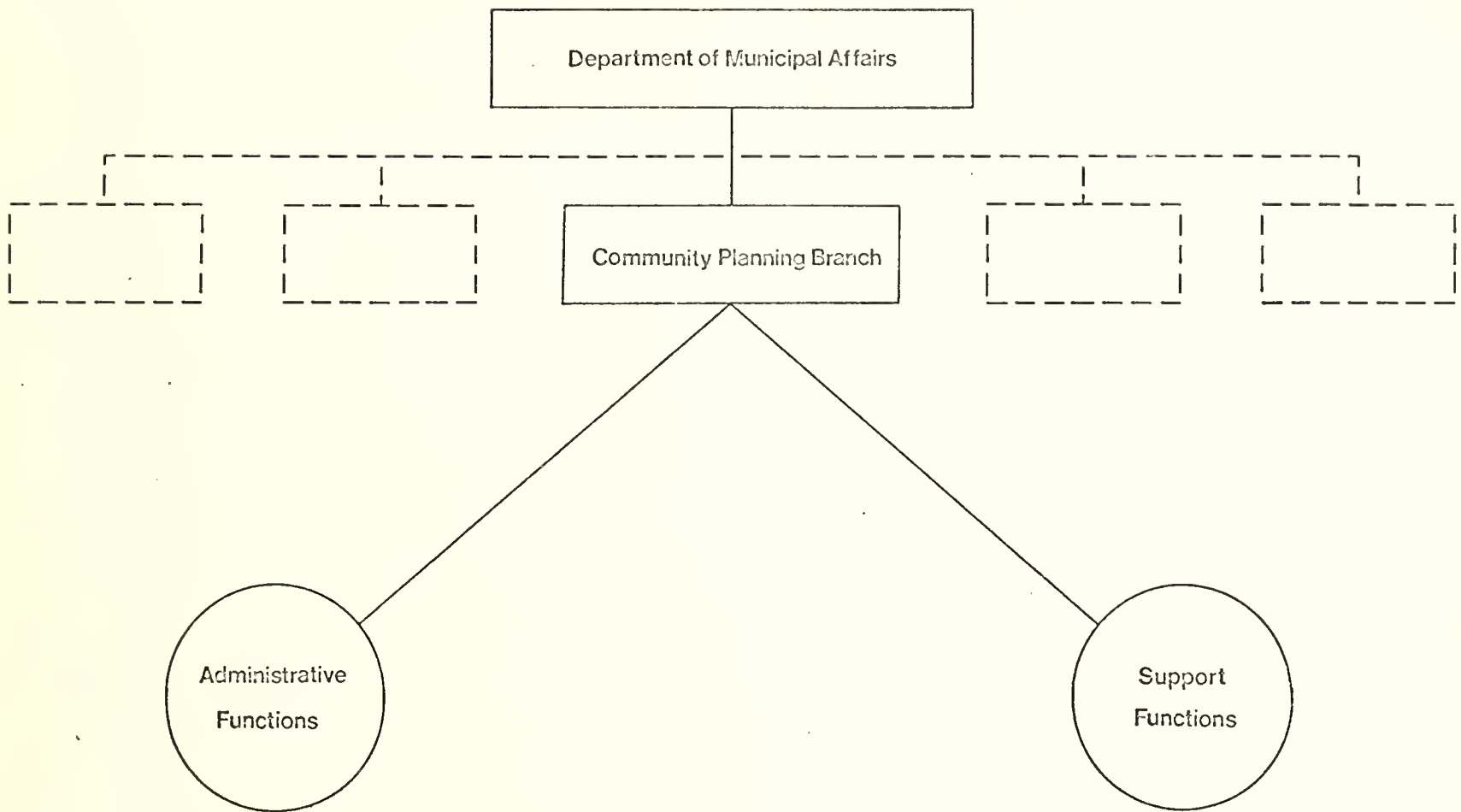
1.2.3 The Provincial Level

1.2.3.a. The Community Planning Branch

While the increasing complexity of planning is bringing other government departments much closer to the municipal planning process, the Community Planning Branch of the Department of Municipal Affairs remains the central focus of this at the provincial level. At the time of writing the internal organization is undergoing change but whatever the structural outcome of this is, it must be expected that the function presently carried out will continue.

The name of the Branch is perhaps something of a misnomer. It implies that it is a branch which carries out community planning whereas in fact it is largely administrative for other people's planning, to wit, that of the municipalities. It has carried out some planning, and the new mining towns of Elliot Lake and Manitouwadge are noteworthy examples, but there are exceptions to its predominant role.

The functions it performs may conveniently be viewed as having two aspects and Figure 4 illustrates these diagrammatically. Firstly there are the administrative functions concerned essentially with The Planning Act itself and involving the Minister's approvals and initiatives; secondly there is a



MINISTER'S APPROVALS

Areas or Boards
Plans or Ammendment
Subdivisions
Urban Renewal
Consents

MINISTER'S INITIATIVE

Orders
Variations for Areas, Borders etc.
Land Development Committee
Appeals
Grants for Renewal

POLICY AIDING

Research
Special Studies
Technical Advice

PRODUCT AIDING

Planning
Grants
Staff Training
Manuals
Information

**Fig.5 COMMUNITY PLANNING
BRANCH FUNCTIONS**

support function designed primarily to improve the quality of ministerial decision and to promote interest in planning. Services are also offered to other government departments, including population and land use for provincial highway studies and research for the Toronto Centred Region Plan but this is a provincial rather than a municipal service.

While the administrative function is a continuing one dictated by applications for the Minister's approval, the support service is largely done on a project basis. Some services of a statistical or communications nature are more or less continuous but most work is done to meet specific requirements.

The Minister's approval function is generally involved in

- establishment of planning areas
- appointments to planning boards
- official plans and amendments
- municipal land dealings
- designation of redevelopment areas
- carrying out renewal studies
- consents in unorganized territory and in municipalities without official plans
- part lot control bylaws

- Out of all these functions the circulation of applications is mainly involved in official plans and amendments, and plans of subdivision. Prior to the '60s circulation involved a relatively small number of agencies. The Planning Act has always required circulation to government departments, the Hydro Electric Power Commission and affected municipalities, and the latter two have been consulted since the Act first came into effect. In the early days, it was only felt necessary to consult the Department of Highways, Health, Education and the railways, and in special instances, the Department of Lands and Forests, etc. if appropriate. With the increasing complexity of planning in the '60s the circulation expanded quite rapidly and in March 1966, a memorandum on the circulation of applications ranked the agencies to be circulated as follows:

First Priority: Department of Highways
Department of Health
Department of Lands and Forests
Department of Education
C.M.H.C.
Metropolitan Toronto Planning Board

Second Priority: Department of Energy and Resources
 Management
 Power Commission
 Department of Mines
 A.R.D.A.
 Department of Transport Ontario
 Department of Transport Canada
 Department of Public Works Canada
 Indian Affairs
 Department of the Attorney General
 (re road closings)
 Department of Economics and Development
 Department of Municipal Affairs Branches
 O.M.B.
 Railways
 National Capital Commission
 Niagara Parks Commission
 Metropolitan School Boards

The desirability of improving liaison with other departments was recognized fairly early in the life of the Branch but proved difficult to achieve. Until quite recently most departments were organized on a vertical basis with internal policy, consultation and decisions proceeding up to and down from the Minister. Interdepartmental initiatives were frequently resisted by competitive Ministers and single-minded administrators. In the Branch itself in almost all cases, the initiative came from the staff but was sometimes carried out at the staff level or in other cases referred to the Minister for consultation with other Ministers.

It is interesting to note at this point that the original intention of The Planning and Development Act to have the

Minister of Planning and Development achieve the necessary coordination was virtually lost sight of. The need for coordination was obvious but this had to be achieved through the initiative of the staff concerned and there is no evidence of direction from a Ministerial level. Indeed the evidence is all the other way and the staff concerned frequently had to ask the Minister's permission before they could approach opposite numbers in other jurisdictions. The effect of this was quite seriously detrimental to the planning process involved.

In addition to his approval function, the Minister is empowered to take certain initiatives under The Planning Act. These generally include:

- varying the constitution of planning boards, etc.
- defining planning areas
- grants for urban renewal
- establishment of land division committees
- power to zone and impose subdivision control
(Minister's Orders)
- giving rules of procedure for committees of
adjustment and land division committees
- appealing decisions of committees of adjustment
or land division committees

- initiating action to restrain contravention of an order.

Few of these initiatives are very demanding of policy. The definition of planning areas was initially merely a response to an application by the municipalities concerned. More recently, with increasing research information available, the appropriateness of the area has been looked at and more recommendations have been made to try to achieve areas with a greater relationship to the geography involved.

Consent appeals have played a very prominent part recently. With an increasing problem of scattered non-farm developments in the Province as a whole, the Minister has become increasingly concerned with the implications of the problem to the extent that he has recently initiated large scale appeals in certain municipalities in an effort to bring a halt to undesirable development patterns.

Until recently, Minister's orders had only been used in Northern Ontario to deal with local problems in unorganized territory. As planning controls here were much weaker, effective planning often depends upon the Minister's initiative. Recently some fairly large scale areas have come under the

Minister's jurisdiction in this way, e.g. the Districts of Rainy River, Kenora and Sudbury for subdivision control and the Townships of Broder and Dill and ones in the Temagami area for zoning. Respect for local autonomy and the view that local planning boards should be encouraged to handle the problems in Southern Ontario meant that Minister's orders were not used in this part of the Province. However, a number of development situations notably in the Townships of Nottawasaga and Tilbury North reached crisis proportions in the late '60s and virtually impelled the Minister to take action. The development of seasonal residences without adequate sewage disposal facilities was a prime cause in most cases. Because of the sanctity of local autonomy, it is evident that the Province was prepared to let the problems reach an advanced stage of seriousness before taking action. There is an evident assumption of responsibility to stop the problem when it gets very bad but there is no evidence of any presumption to prevent the problem in the first place. This presumably was left to local initiative until the advent of subdivision control in the whole Province. Even now, the problem can be said to be curtailed but by no means halted, let alone cured. Consents are still being made in some rural municipalities without regard to servicing consequences

because they have inadequate official plans and zoning bylaws and the Minister cannot be expected to review every single approval in the whole Province.

The range of planning advice, research and assistance carried out by the Branch is diverse. It ranges from conciliatory meetings arranged between planning boards and councils to improve their relations to arranging conferences or supplying technical information on the design of a subdivision. The demand for advice and assistance from municipalities has been consistent and increasing since The Planning Act was first passed. In the early '60s, the demands reached a point where the establishment of field representatives was undertaken in order to supply services closer to the municipalities.

These were first established in Northern Ontario but more recently representatives have also been appointed for Southern Ontario. Their initial role was to advise the Minister from a more direct contact with the people involved and to make field inspections where necessary. However, their role has now expanded and having gained support from the local municipalities their judgement is respected to the point that their advice on approvals is frequently accepted without further investigations. This has had beneficial effects on

the approval process and has tended to speed this up in many cases. This is one form of communication that is particularly appreciated by the municipalities.

In a number of cases the demand for assistance has extended to a demand for the Community Planning Branch staff to actually do the planning and prepare official plans. The usual response from the Branch has been that they would like to do this but that they don't have the necessary staff. However, even if they had the staff there would be a problem if the municipalities did not like the recommendations. Two attempts were made to do this, in the case of Grimsby and Cobalt, but notwithstanding increases in staff the general policy has been to avoid this kind of situation.

To aid the Minister in his decisions as well as to provide information to the municipalities to aid their planning programs the Branch conducts its own research and technical studies. These are done on a project basis and the subject is usually an area with special problems. The results are made available in reports analysing the nature of the problems and making recommendations on the necessity for planning and the avenues which this might take. Significant ones have

been done for the Cornwall - Prescott area in connection with the building of the Seaway, the Niagara area on urban developments and the fruitland, the Sudbury area on urbanization and services, the Waterloo area as a background to regional planning and, recently, for the Toronto Centred Region Plan.

The results of these studies were then manifested through the Minister's approval procedure and the comments that the Branch put forth. A similar manifestation of comment also became apparent through the transportation studies of the D.T.C. in which the Branch commented on the appropriateness or otherwise of the local planning and the projections upon which transportation proposals would be based. In all of these roles, the primary objective was to endeavour to persuade the municipality concerned to adopt an improved planning approach.

Another field of assistance involves the preparation of planning manuals and information bulletins. The recognition for this goes back to the early '50s. In 1953, the Minister of the day stated his opinion that the Branch must prepare manuals for the guidance of municipal authorities in dealing with all phases of planning matters, particularly in respect

to official plans, plans of subdivision, zoning and responsibilities of committees of adjustment. From this initial expression of policy the time taken to actually prepare the manuals is quite staggering. A subdivision manual, since revised several times, first appeared in the late '50s and urban renewal manuals in the mid '60s. An official plan manual, perhaps the most critical one, has not yet been forthcoming. Almost 20 years have passed since the need was first recognized but even now there is still no manual for the preparation of official plans.

A prime medium of communication from the Branch has been a publication with various titles but known generally as Ontario Planning. It was instituted in January 1954 and in his introduction, the then Minister stated his hope that...

".....the new publication would make a useful contribution to the progress of planning in the Province. The Community Planning Branch has long felt the need to maintain closer contact with planning boards and others interested in planning in Ontario and it is our hope that the pages of Ontario Planning will do this."

In brief, its purpose was stated as that of collecting useful planning information that came to the Branch from various sources and it was seen as a means of channeling some of the more valuable items of this information to those who were in

a position to make use of it. Taken as a whole the issues have contained a wealth of information on planning in the Province. Procedures for the submission of applications have been explained in detail on a number of occasions as have almost all of the activities of the Branch.

For example, when The Planning Act was amended in 1964 to allow for maintenance and occupancy bylaws the purpose of the amendment, the requirements of the official plan and details of what should constitute a maintenance and occupancy bylaw were all set out in the second issue of Ontario Planning for that year. Detailed guidance was given for the drafting of the documents concerned and examples were given of a recommended official plan text and bylaw wording.

One of the consequences of being able to supply this information in such a form was that answers to queries made at the Branch could readily be provided by reference to the particular issue. At the time the issue is current, it provides a wide reference but it is not every agency that continues to keep back copies and with time it becomes a less reliable reference.

Publication has been somewhat sporadic. For the first ten or twelve years of its life, it appeared fairly regularly on an average of some six issues per year. Round about the mid '60s, however, its publication became more uncertain taking the form of a newsletter rather than a journal. Efforts are now made to produce it every three months but it cannot be said to be that regular.

Another medium of communication has been the holding of Planning Conferences. From the mid '50s to the mid '60s the Branch held a series of County Planning Conferences called "workshops" on a fairly regular basis. They were held for groups of municipalities and often for a county, and consisted of presentations by Branch staff, visual aids and questions and answer periods as well as panel presentations and discussions. Their purpose was to stimulate interest in and answer questions and problems on planning for the area. Fewer such conferences have, however, been held recently. A second series has been the planning staff conferences sponsored by the Branch and held in Toronto. These have been for professional planners rather than for planning board members and council and have tended to be more technical in nature. Rather than trying to sell planning, their purpose was to debate the problems that

the planners, already convinced of its necessity, were encountering in their own efforts. These used to be held on a semi-annual basis but are no longer held regularly although put on from time to time.

The Branch also maintains an educational function providing occasional in-house training for certain planners who will be working in the municipal field and providing information on planning programs, educational courses, etc.

For most of its history, the making of grants for planning purposes was not an important part of the encouragement program. Until recently the only significant grants were those made for urban renewal purposes. Before the legislation sanctioning this the Branch had provided money for renewal purposes for special cases, and this was broadened after the legislation was introduced to encompass most municipalities who made application. More recently grants have been made for regional planning purposes, particularly to the new regional municipalities. Such grants are not made under the Act but money for this purpose is obtained through the Departmental estimates. Other grants have been provided from time to time for research projects or for special problems particularly in Northern Ontario. The

approach to grants has been an entirely ad hoc one made to meet special circumstances and not from the point of view of encouraging planning in the Province as a whole.

With the increasing complexity of planning in recent years, the cost to municipalities has risen substantially. It is now virtually a necessity for a municipality to obtain the services of a consultant or to employ staff before it can adopt an official plan that the Minister will approve. Municipalities in their turn have been extremely reluctant to devote funds to planning programs about which they were often dubious and have frequently tended to try to get away with the lowest cost plan. The result of this in many municipalities, particularly rural ones, has been a form of bidding for consultants in which the lowest price for obtaining a plan was frequently the only criterion for selection. The results of this on the quality of the ensuing plans, and more importantly, the planning program in the municipality are quite obvious.

It is probably a fair comment to say that if a high standard or even merely adequate standard of planning in the small municipalities is to be achieved, it is unlikely to be done without financial incentive, legislative order and adequate criteria for measuring the quality.

In the matter of public participation, there has really been very little policy. The Branch's concern has been mainly with seeking that planning boards observed the requirements of a letter from the Minister requesting information concerning a public meeting or other method of informing the public. With public agitation for participation the Department made strong recommendations for citizen participation to the point of this being a requirement in the implementation of urban renewal schemes. However, it would be fair to say that until very recently, the view generally held was that it was the job of the elected to inform the electorate on planning and the active participation of citizens is a phenomenon of the last few years. In response to this agitation, the government has acknowledged the desirability of involving the public in the planning process but has tended to leave the municipalities to decide themselves how best this should be done.

In any evaluation of the role of the Community Planning Branch, the great amount of effort that has been put into promoting planning must be acknowledged. While initiatives have been taken in organizing conferences and publishing

information this role has been more a responsive one than an active one on a continuously programmed basis.

Throughout the 20 or more years of its existence, its prime concern has really been the Minister's approval function which always has taken precedence. This concern led several times to major variations in the level of the support functions particularly when staff shortages on the administrative side were relieved by transfers from the support side. Notwithstanding the range of services described above the bulk of the efforts and at least 80% of the staff time have been devoted to the administrative function. There has been correspondingly less effort made to improving the municipalities' own abilities to administer or to develop very fundamental policies and the means to disseminate them.

One of the results of this is a lack of quality in the product which leads to a marked tendency for the Branch to assume the role of planning director. When one remembers that there are well over 800 municipalities and comparatively few of these have had any staff for most of the period the wonder is that some quality was achieved. It was really an impossible task. There was not enough staff in the Branch and it was frequently remote from the realities of the local scene. The result has

been ever lengthening delays in the approval process, a lack of understanding of municipal life and all the other problems that are inherent in attempting to centralize the details of the approval operation.

It would be trite and invidious to weigh upon the disadvantages of centralization and the growth of bureaucracy. In the '50s internal coordination in the Branch could be achieved at a coffee break when almost all the professional staff could meet together in the lunch room; in the '70s the Branch is subdivided into many parts and formal meetings have to be scheduled between professionals to discuss such matters as official plan approvals or committee of adjustment appeals.

Bureaucracy is easy to criticize but difficult to ameliorate. The mounting red tape involved in securing approvals, or even refusals, has become one of the major problems for municipal planning. Procedures for obtaining decisions can take well over a year, especially in the case of official plans, and a point of diminishing returns and disillusionment with planning efforts is fast approaching.

*complies
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As far back as 1956 there was a resolution of the Hamilton - Wentworth Planning Board requesting the Minister to consider adopting a policy of requiring a three month time limit on

replies and, if these were not forthcoming, to make a decision in their absence.

Sporadic efforts were made from time to time to impose such time limits and eventually these were put into the letter of circulation. That this was not effective can be seen from the fact that the matter was again discussed at a Planning Consultants Conference in May 1961 when a time limit of circulation was once more recommended and this time a 30 day limit was proposed. Again the matter was discussed and an expression given that the system would be improved but no policy and sanctions were forthcoming. In 1967 there was a resolution from the City of St. Thomas to the Minister with a general request to speed up planning procedures.

This request came to the attention of the Minister who apparently was ready to lend a sympathetic ear. In his reply he asked for specific proposals on the matter for discussion and as a result of this correspondence, the whole matter appears to have been referred to the Association of Mayors and Reeves. Since that time a number of proposals have been made including the suggestion that decentralization of the approval process would help to speed it up. However,

to this day no serious sanctions have been applied to make for a reasonably speedy circulation and the difficulties remain.

It must also be remembered that the government has not established any formal method for communicating policy to the municipalities. Policy on approvals has evolved in the process of discussion at the staff level and with the Minister and has become manifest in letters of comment to the municipality or applicant. Since these letters must be repeated many times before policy becomes widely known the process is inherently delaying. The failure to enunciate policy clearly by an appropriate channel of communication has severely hampered administration and this together with the circulation delays may well be the most critical problem that needs to be solved.

The problems of internal government consultation became even more acute when the government itself got into the business with provincial planning. This came with the introduction of the Design for Development which was the responsibility of the Regional Development Branch of the Department of Treasury and Economics. Since provincial and municipal planning had to be coordinated the Community Planning Branch

found itself as the middleman and was again hampered in its role of municipal supervisor because two different departments were involved. Hopefully there will be closer coordination in future when the two come under one Minister.

1.2.3.b Local Government Reviews

Through the Department of Municipal Affairs and beginning in 1964, there have been a series of local government reviews carried out in eight areas of the province by "independent" commissioners; (Ottawa-Carleton, Niagara, Peel-Halton, Hamilton-Wentworth-Burlington, Kitchener-Waterloo, Muskoka, Lakehead and Sudbury). In one area, Brant-Brantford, a commissioner was never appointed although the first stages for review were begun; in another, York, there were a number of studies, none formally ordained. In two other areas, the planning component was predominant; in one, Haldimand-Norfolk, the process is nearing completion; while in the other, OAPADS,⁽¹²⁾ by the decision of the municipalities involved, the study has been wound up before completion.

"Regional" municipalities have been introduced and are functioning in Ottawa-Carleton (1969), Niagara (1970), Thunder Bay (1970), York (1971) and Muskoka (1971). By January 1, 1973, two others are expected to be established, Sudbury and Kitchener-Waterloo. The relationship of the legislation to the studies is minimal. All except Thunder Bay, which in reality is an

(12) Oshawa Area Planning and Development Study.

amalgamation, are two-tier structures modelled loosely after what was installed in Metropolitan Toronto in 1954 and amended in 1967.

In terms of the municipal planning process, the legislation substantially improves the previous circumstances in an operational sense. To some extent, internal boundaries within the counties that were designated as regions have been rationalized. Planning Boards have been eliminated and planning has become a council responsibility with the planning staff functioning much like the other civic departments. In each of the cases, official plans have been made mandatory, but the legislation did not specify the content of the official plans nor were sanctions imposed if official plans are not produced within the deadlines that were established.

In one of the studies, Haldimand-Norfolk, considerable effort was expended on a public attitude study for the first time. The results generally indicated that the residents of the area did not want any form of consolidation or "regional government", thus bringing into focus the essential conflict between local experience and wishes, and the application of policies on a regional scale.

Thus far, the basic problem inherent in the regional government program is its lack of relationship to the provincial plans and programs emerging from the regional planning and development activities.⁽¹³⁾ Where ad hoc solutions based on old county boundaries are to prevail in conflict with projected or prescribed regional growth patterns, the operational advantages for municipal planning are certain to be substantially offset by the fundamentally unsound boundaries of the planning jurisdiction.⁽¹⁴⁾

⁽¹³⁾ Thus Dr. Richard Thoman, former Director of the Regional Development Branch could state:

"The Government of Ontario's program for regional development is intended to maximize use of on-going provincial budgetary expenditures for the well-being of the people and the physical setting in all of Ontario's regions. It is applied to social conditions, economic conditions, conditions of the physical setting."

"It is implemented to the spending agencies whether acting singly or in cooperation with the Federal Government, in cooperation with regional and local governments, in cooperation with the private sector. It is therefore a program which could exist without regional government. Regional government, as its name implies, is concerned largely with the readjustment of the mechanics and powers of governments themselves, whereas regional development is concerned with such broader issues as the general well-being of the people in all regions of Ontario, and with the physical setting. Regional government could exist without physical development."

Extract from "Design for Development in Ontario: The Initiation of a Regional Planning Program" p.91.
(Toronto, Allister Typesetting and Graphics, 1971)

⁽¹⁴⁾ As discussed in terms of the Regional Municipality of York, Section 1.2.2.c above.

1.2.3.c The Regional Development Branch

Despite the early promise of the Planning and Development Act of 1944, the province had never developed a planning arm of its own. The Community Planning Branch in the Department of Municipal Affairs has never been conceived as more than an administrative agency overseeing an operation which is essentially municipal. Out of an international conference on regional development which was organized by the Department of Trade and Development, the initial push for the regional development program came with the hiring of the program organizer, Dr. Richard Thoman, then of Queen's University, to head up the Regional Development Branch. Much work in the fostering of activity by the Regional Development Association (later Councils) throughout the province led to "Design for Development: Phase I (1966) and Phase II (1968) which were policy statements announcing first the government's commitment to "assisting the orderly and rational development of the province", and secondly, the government's policy to extend regional municipal government across Ontario.

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During the same period, the M.T.A.R.T. Study was winding down. This had been a six year, \$12 million transportation study from

(15) Metropolitan Toronto and Regional Transportation Study.

which the principal conclusion drawn was that there should first be a land use plan on which to base the transportation plan. Four "Goals Plans" were postulated, for comparison with two "Trends Plans" and the obvious need was for an evaluation and selection of the most appropriate.

Into the breach stepped the Regional Development Branch, by now a part of the Department of Treasury and Economics. In its production of "Design for Development: The Toronto-Centred Region" (1970), and in its parallel initiation of studies in the other economic regions, the Branch has become established as the principal planning agency of the Province of Ontario.

In its work thus far, the Branch has demonstrated surprisingly little technical sophistication, despite obvious possibilities for computer simulations to test land use and transportation alternatives. The preference is obviously toward prescriptive rather than projective methods which is all well and good. However, notwithstanding the Branch affiliation with Treasury and Economics little has been published to date that would indicate how the economic consequences of its proposals have been evaluated.

The Branch has developed a task force approach in the conduct of its work, drawing on personnel from all of the major departments and commissions in the search for solutions to specific

problems on a coordinated basis. The wheel had turned full circle, and the planning and coordinating role first envisioned in the Planning and Development Act of 1944 had finally found expression in the Regional Development Branch.

Answers are now being sought for the many resultant questions, most notably for this Review the relationship between the province's planning activities and the administration of The Planning Act. It is already evident that the emergence of the province in a direct planning role is the central fact for the future of the municipal planning process in Ontario.

1.2.3.d Other Departments and Commissions

Many other agencies have programs and policies which seriously affect municipal planning; amongst these are the Ontario Water Resources Commission with major water and sewer policies and programs; the Conservation Authorities Branch; the Department of Transportation and Communications (highways) and the Department of Lands and Forests in terms of land acquisitions. One cannot, of course, overlook the potential of the Ontario Housing Corporation as well. Although the Corporation is still primarily a builder and an operator, its entry into the land development field will undoubtedly raise, in time, a new set of questions for local autonomy in the municipal planning process.

For the time being, these agencies enjoy effective means of insinuating their policies into the municipal planning process through the Community Planning Branch, which effectively guards any provincial interests in its review of applications for ministerial or O.M.B. approval of Official Plans, zoning bylaws, subdivision plans, etc.

Their programs are beginning to be coordinated, and the impacts assessed through participation in planning task forces, and in the regional advisory boards of senior field staff from the various departments.

1.2.3.e The Ontario Municipal Board

The Ontario Municipal Board plays a very significant, and in recent years highly visible role in the municipal planning process. This Board, which is an administrative tribunal rather than a government agency, holds hearings, makes findings of fact, and applies policy on a wide variety of municipal planning and financial matters. Its proceedings are conducted through the adversary process with all the dignity and decorum of a court of law. In the words of the present Chairman, the Board provides:

"a forum in which all parties can be heard after due course in an adversary proceeding, and objective appraisal made in the light of all circumstances thrashed out at an open hearing."(16)

The Ontario Railway and Municipal Board was created in 1906 to supervise the administration of the Ontario Railway Act, and to assume several important, but limited, municipal review functions. In 1932, it became "The Ontario Municipal Board" and many of its duties were redefined in order to create:

"a more useful and assisting body to the Municipalities of this province; not to direct them as to what they shall and shall not do, not to interfere in their affairs but to be a central body to whom the Municipalities can appeal for guidance and advice and information so that the Municipalities can carry on their affairs to the best advantage".(17)

(16) J.A.Kennedy "Some Observations on Planning Law" Special Lectures of the Law Society of Upper Canada, 1970, p.162.

(17) H.L.Cummings "Organization and Functions of the Municipal Board" Proceedings, O.M.A., 1932 p.43.

Since that time its powers have been extended to include almost every aspect of municipal finance and development.

Under the Ontario Municipal Board Act the Board is nominally responsible to the Minister of Municipal Affairs; he, in turn, is responsible to the Ontario Legislature. In practice the Board enjoys considerable autonomy.

The Board members, its chairman and vice-chairmen, are appointed by the Lieutenant Governor-in-Council and hold office "during pleasure". At the present time there are 17 full time members, supported by a small administrative and clerical staff. The Board has no research or technical staff and carries out no independent investigations or special studies.

The Board has four major functions:

- The approval of capital expenditures
(Ontario Municipal Board Act, s.64)
- Assessment Appeals (The Assessment Act ss.37 & 83)
- Approval of matters under The Planning Act
 - zoning bylaws (s.35)
 - redevelopment plans (s.22)
 - Committee of Adjustment Appeals (s.42)
- Official Plans, and amendments, and subdivision plans, -
upon referral by the Minister (ss. 15, 17 & 33)
- Municipal Boundary Revisions - amalgamations, annexations,
etc.(ss. 12-14, 17-21 & 25) Municipal Act.

The Board is thus clothed with powers of considerable magnitude, and all have some implications for municipal planning. However, it is the last two functions which are of particular importance to this Review.

(i) Planning Applications

In analysing the Board's decisions on municipal planning matters Adler identified three levels of concern.⁽¹⁸⁾

On the most basic level the Board deals with micro-planning problems, i.e. the regulation of the use of a particular piece of land. Although the Board has consistently maintained that its function is not to do the planning for any municipality (unless irresponsibility can be shown), it has developed its own set of criteria for judging planning cases. Most of these concern the protection of individual property owners from environmental and economic nuisances. As stated in the Board's decision re: Kinderlaw Industries Ltd. (Toronto Township 1962):

"One important attraction of this science (land use planning) is that it can be made to serve man's basic desire for privacy and related amenities in private dwelling areas".

⁽¹⁸⁾ Adler, G.M. "Land Planning by Administrative Regulation" University of Toronto Press 1971.

On the second level the Board is concerned with ensuring that the broader economic and administrative welfare of a municipality is being properly protected. The Toronto Township and Western Gypsum (1960) decision is a case in point. At that time the Board stated:

"It is proper in making these decisions to take into consideration not only the local conditions, but also wider economic aspects - for example the economic welfare of the community".

At the most abstract level, the Board is concerned with ensuring that the decisions of the local authorities protect the democratic values and rights of their constituents. The Board is determined to ensure that citizen participation is encouraged in the planning decision-making process, and, as was stated in the Spadina Expressway decision, it considers itself to be:

"A forum to ensure that the interested citizens have an opportunity to express their view, and that minority groups' interests are being adequately considered".

The present chairman's high profile on major municipal planning matters in the Toronto area has drawn to the Board fulsome praise and criticism in recent years. Of course, most of this seems to be a reflection of satisfaction or discontent at the source of comment on the Board's latest decision. Regrettably, public debate of that kind tends to

obscure the very real problems under which the Board operates.

The Board's function is to apply policy, and, not surprisingly, its main problem in the performance of its duties is the lack of policy to apply. In the absence of clearly articulated and consistent government policies, the Board must rely on what can be gleaned from various official sources, but most usually on policies created by the Board itself.⁽¹⁹⁾

The Board's resolve to function within policy lines can only be applauded. However, through the enforced use of its own policies, the Board is placed in the unenviable position of visiting policy from appointed origins on elected municipal councils. When those policies conflict with the council's wishes, as they frequently do on major issues, the position becomes invidious.

(19) Thus, in the Caledon Township Official Plan Review decision (1970), the Board maintained:

"The Board applies its own policy, of course, developed as a type of jurisprudence in its decisions over the years and constituting what might be termed a uniform approach. And there is government policy. This is found in the statutes, the government regulations which have statutory force, in the decisions of the Executive Council (the Cabinet) on appeals from the Board, and in official pronouncements by the Prime Minister or other ministers responsible in respect of the particular subject matter".

It is puzzling that this state of affairs has been countenanced for so many years, even acknowledging the evident popular appeal of some of the Board's decisions. The debilitating effects on local government and the municipal planning process must be evident. If the objective is improved municipal planning decisions, circumstances which undermine the already frail foundations hardly seem conducive to attainment.

In its 1967 Annual Report, the Board asserted that:

"Democracy by definition is the rule of the majority, but if democracy is to promote justice it must have a built-in mechanism to protect the rights of the individual, the minority. This is basically the role of the Board under The Planning Act".

Since this was never challenged by the addressee, the Board could well feel entitled to proceed on that basis. Unfortunately, as a result of its interpretation of this role, there is an apparent danger of the Board of becoming recognized as a sort of ombudsman for property owners, and this is the second problem. Even as early as the Moore - Mallory case (196)⁽²⁰⁾ the Board maintained in its decision:

"those who would benefit (the Township, the developers and the homewoner's who would sell) should not be permitted to do so at the expense of those nearby who are entitled to have their rights protected".

⁽²⁰⁾ A rezoning application for an apartment project in East York near Moore and Bayview Avenues, stoutly and successfully resisted by residents from nearby Leaside and Bennington Heights.

That was the occasion when the Board first awarded the rate-payers' costs against the unsuccessful applicant. The fact that a way has never been found to compensate developer-applicants for unsubstantiated objections from property owners tends to reinforce the notion.

Property owners may indeed require an ombudsman on planning and zoning problems. However, if the ombudsman is to be the tribunal which decides the case, that body can scarcely retain a reputation for impartiality. The Board is called upon to decide many kinds of applications, (only a percentage of which may involve property owners) and, if it is to discharge its functions with broad acceptance, it would seem that its objectivity should be jealously guarded in all matters.

The third problem is mechanical and arises out of the sheer volume of work loaded on the Board, and the geography of its jurisdiction. In recent years the Board has streamlined its procedures, so that only a low percentage of zoning bylaw amendments actually require hearings. The creation of the Land Compensation Board in 1970 relieved the O.M.B. of a considerable burden. Despite these measures, and the increase in the Board's membership, the calendar for hearings is booked months in advance.

The spread of planning regulations throughout wider areas of the province coupled with the upsurge of public interest and citizen involvement in the planning process can only mean a further escalation of the number of hearings. The adversary type procedure used has undoubted advantages for enquiry purposes, but adds substantially to the time and costs involved.⁽²¹⁾ If the operation remains centralized in Toronto, travelling distances to the hearings will remain a serious strain on the Board's members. On the other hand, the prospects for a decentralized operation functioning without clearly stated policies would seem less than enticing.

Given proper policy guidelines from the government, the question arises whether a centralized, court-like tribunal of tenuous accountability is necessary or even appropriate to handle administrative decisions of a planning nature. There is little point in adducing and cross-examining expert evidence if the opinion runs counter to policy.⁽²²⁾ A series of regional

⁽²¹⁾ The Spadina Expressway hearings took 3 members and lasted 16 days.

⁽²²⁾ In Moore-Mallory, Royal York-Dundas, for example, the overwhelming weight of professional opinion at the hearing favoured the application, but the Board does not have to decide on the basis of the evidence presented. In the Board's own opinion, the applications lacked merit.

enquiry panels, with expert qualifications, making recommendations for ministerial decisions would seem to offer measurable advantages for the municipal planning process in terms of cost and accountability.

(ii) Annexations and Amalgamations

Major annexations and/or amalgamations have taken place in virtually every Ontario centre in response to the urbanization of the post war years. Except for those which fell within the local Government Review program (see below) all were decided by the Ontario Municipal Board under Sections 14 and 17-21 of the Municipal Act. Thus the Board has exerted a profound effect on the boundaries of planning jurisdictions and on the capabilities of municipalities to implement plans. The Cumming Report, which led to the passage of the Municipality of Metropolitan Toronto Act in 1953 was a signal contribution by the Board to local government, and, in its recommendations on planning, to the municipal planning process as well.

Although functioning without policy direction from the provincial governments, the Board did evolve a fairly consistent point of view which is evident in its decisions. In general, amalgamations were favoured which unified urban areas and spread

resources and costs more equitably (e.g. St. Catharines 1960, Sault Ste. Marie 1963, North Bay 1966, Iroquois Falls 1968).⁽²³⁾ Amalgamations were also approved to strengthen municipalities where development pressures were heavy (e.g. Oakville 1962, and Burlington 1958). In the same circumstances new small units were not encouraged. (Malton 1963, King City 1965).

In annexations, the Board tended to approve the extension of cities and towns to include that which was urban, or likely to be urbanized within foreseeable time limits (e.g. Peterborough 1963, Woodstock 1964, Barrie 1964).⁽²⁴⁾

Among other things these decisions tended to rationalize the planning jurisdictional limits to a very significant degree. However, the Board usually refused to approve sweeping

⁽²³⁾ A notable exception was Copper Cliff's successful resistance to Sudbury's application in 1958.

⁽²⁴⁾ Again with puzzling exceptions. In 1966 Wasaga Beach was granted annexation of a portion of adjacent Sunnidale, but not a similarly urbanized portion of adjacent Flos. In 1962 Midland annexed a large potential development area in Tay. At the same time, an area in Tiny equally vulnerable to fringe development was excluded by the Board. (The development promptly occurred).

annexations by urban municipalities based on a stated need for planning control in adjacent rural areas (e.g. Smith's Falls 1971). It was contended that the Planning Act, through joint planning areas offered other avenues for the proper exercise of planning controls.

Beginning with the Goldenberg Commission on Metropolitan Toronto, most of the major questions have been the subject of local government reviews sponsored by the Minister of Municipal Affairs. Within review areas, municipal statutes and boundary adjustments will not be heard by the Ontario Municipal Board without ministerial leave. This has tended to reduce the Board's activities in this field.

It may be just as well. Without in any way diminishing the significance or the lustre of the Board's accomplishments, it has long been evident that the adversary system under which the Board labours has serious disadvantages for determining municipal structure and boundaries. Notwithstanding the exchange of preliminary statements of claim and defence, opposing cases are put together essentially in secrecy. Neither side can be sure what moves the other will make, nor can they be certain just which aspects will be thought to be of most significance by the Board. Thus the preparation is geared to the presentation of everything possible, rather than the minimum necessary.

During the hearing itself, much that is presented is opinion evidence. The proceedings therefore tend to be protracted by cross-examination of the most searching kind. The evidence is naturally atuned to the application as submitted. In consequence, where the Board is not persuaded of the total merit of the application, it may not have heard much that would assist in determining a better alternative. High costs and long delays may therefore yield only very unsatisfactory results. Three examples from recent years will serve to illustrate.

In 1971, the City of Sarnia's application to absorb the Villages of Point Edward and Courtright, and parts of the Townships of Sarnia, Moore, Sombra and Plympton was heard by the Ontario Municipal Board. After a hearing which lasted for two weeks, the application was dismissed. It had been defeated entirely by cross-examination, the defence did not find it necessary to call its own expert witnesses. Even at that, combined costs probably exceeded \$200,000. There is a local government problem in the Sarnia area, but it is not one bit closer to solution for all of that expenditure.

The same thing occurred on a smaller scale in 1967 when the Town of Picton sought to annex 772 acres from the Township of Halliwell. Three days had been set aside by the Board

for the hearing, but in this case, every witness was heard, and at length. The hearing dragged on for another week, by which time costs were approaching the annual tax yield from the area sought. The application was dismissed.

In 1971, the Town of Simcoe applied to annex 270 acres from the Township of Woodhouse. The position of the Township, and of the property owners affected, remained obscure. When the hearing day dawned, the Town assembled its contingent of lawyers, witnesses and officials, ready for any eventuality. No one appeared to object. The hearing was over in 5 minutes, and the application subsequently approved, but all of the time and cost for preparation had been for naught.⁽²⁵⁾

It seems reasonable to suggest that some alternative means should be considered for this kind of problem. If high costs are to be reduced, and at least some positive results are to flow from each hearing, it would appear necessary that the expert staff should be retained by the commission or tribunal, and that its decisions should fall within policy guidelines enunciated by the provincial government.

⁽²⁵⁾ All of this took place in the Haldimand-Norfolk Study Area where the province itself is expected to announce a complete reorganization of local government within a year.

1.2.4 Federal Policies and Practices

The federal government has exerted a significant impact on the municipal planning process in four main areas; housing, urban renewal, and planning promotion (all via the Central Mortgage and Housing Corporation) and through its major public works projects. Consideration of the latter will serve to introduce the subject of the new Ministry of State for Urban Affairs.

1.2.4.a Housing

By far the greatest federal impact on the municipal planning process come through the National Housing Act which provided loans and loan insurance for housing of various kinds. Too much cannot be said for the series of imaginative programs which were brought out by C.M.H.C. in the early post-war years. A generation bought new homes,⁽²⁶⁾ and a home building industry was created largely as a result.

Unfortunately, the vigour of the first decade drained away during the second in Ontario. The Corporation's insistence on uniform adherence to price ceilings for loan insurance approvals despite marked regional disparities soon excluded Ontario's

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The exclusion of existing housing from the N.H.A. loan provisions was the major criticism of the program.

housing which was built on expensive, fully services land. By then the federal government had lost its early post-war regard for housing as a social necessity, and had returned homebuilding to the general category of construction, useful chiefly for economic pump priming.

Coupled with the early loss of impetus in the federal provincial land assemblies, the federal role in assisting private housing has declined sadly in importance in Ontario in recent years.

This is not true of public housing under Section 35(d) in Ontario. Generally, a municipality requests a specified number of units, for which the Ontario Housing Corporation plans and designs individual projects. With Ottawa acting as prime banker, O.H.C. has moved so energetically that Ontario accounts for some 75% of all units constructed under Section 35(d). (Metropolitan Toronto alone accounts for over 50%).

Signs of new policies are evident. Ottawa has commissioned a number of task forces in the housing area; two of which not yet released are: Task Force on Urban Assistance (Milne Report) and the Task Force on Low Income Housing (Dennis Report). With respect to the latter, a recent issue of Housing and People (Volume II No. 4) December 1971, contained a leak purporting to summarize the major recommendations of the Dennis Task Force. They are:

"1. C.M.H.C. should be restructured and reoriented to change its role from that of primarily serving as a public lending institution to one capable of devising comprehensive and socially sensitive housing policies for the Federal Government, the implementation of which might in many cases be devolved to provincial and local agencies.

2. The Federal Government should undertake an aggressive land assembly program to stem the most inflationary factor in housing costs: the price of land. This program would involve a considerably greater financial commitment than the \$100 million that C.M.H.C. has spend on land assembly in the last 10 years and a much more direct relationship with municipalities.

3. A new section on housing rehabilitation should be written into the National Housing Act. This would make available both grants and low interest loans to landlords and low-income home owners prepared to improve old homes without displacing the present occupants.

4. The Federal Government should reduce its spending on subsidized public housing to a point that might lead to the eventual abandonment of the program. Task Force members were practically unanimous in condemning public housing for the stigmatized social environment they allege such accommodation produces and the extremely high financial costs they forecast Ottawa would have to bear if the present rate of public housing construction is to continue.

5. In place of public housing, new financial support should be made available to build up a community based non-profit housing sector as the principal tool to provide homes for poor and moderate income people. This non-profit sector would include housing built by cooperatives, community groups, and municipal government agencies.

6. In order to foster optimum housing choice, the Task Force calls for redirection of housing subsidies to people rather than buildings. This would take the form of a general housing allowance that would be available to both low-income owner/occupiers and tenants."

There is no doubt that if some of these recommendations receive Federal favourable acceptance, there could be a profound alteration in the relationship between C.M.H.C. and the municipal planning process.

1.2.4.b Urban Renewal

Urban renewal activity in Ontario which began in the slum clearance and public housing programs of the early post-war years and which burst into full flower in the 'sixties owes its initiation, growth, and demise to the federal government.

Financial support under Sections 23A and 33(1)(h) of the National Housing Act was the catalyst for a large number of urban renewal studies and schemes, many of which provided the first important content for municipal official plans. After a cross-country housing task force, which bore all the earmarks of a political circus and none of a legitimate enquiry, the program was summarily suspended in 1968, except for projects in progress.

This was really too bad, the cities need renewal. That mistakes had, and were being made, is undeniable, but the hard road to improvement is seldom eased by stop signs.

Quite apart from the physical and social results, these programs stimulated attention to inner urban areas. Planning staffs found opportunity for creative expression and a valuable training area and testing ground for new planning techniques.

Possibly most important for the municipal planning process, the urban renewal schemes, especially in the latter years, really brought the planners face to face with the public in a way that has scarcely occurred before. Advocacy planning, which grew out of the American experience in urban renewal, is now seeded in the Ontario planning process and will undoubtedly affect the direction of things to come.

1.2.4.c Planning Promotion

The Federal Government, through C.M.H.C. made significant contributions to the promotion of municipal planning, especially in the early years.

In response to the almost total lack of qualified personnel in Canada, the Corporation actively recruited professional planners from the U.K. After a time in their federal posts, the planners spread out to other assignments across the country. Today, many of the senior positions in municipal and provincial planning agencies, in universities and in consulting firms are filled by those C.M.H.C. alumnae of the early 'fifties.

The Corporation was also an important supporter of the Community Planning Association of Canada, the principal non-professional organization active in promoting broad popular support for planning in general, and for specific projects in particular areas. Special purpose events such as the annual Stratford Seminar on Civic Design were also regular recipients of C.M.H.C. grants.

C.M.H.C. fellowships are available for students in planning schools across the country. These have been especially helpful for graduates from other disciplines working in the fields, who wish to return for a professional degree in planning.

1.2.4.d Ministry of State for Urban Affairs

A most hopeful event of the last decade was the signing of the Privy Council Minute on June 30, 1971 which established the Ministry of State for Urban Affairs. The Ministry was a long time in being borne, caught largely in the difficulties that the Government encountered in the introduction of its general omnibus reorganization bill. It arises almost directly out of recommendations made by the Lithwick Task Force, Urban Canada - Problems and Prospects and has been staffed and operative now officially since June 1971 but really since December of 1970. The Minute stated:

"the Ministry's role as a focus and source of policy development for urbanization in Canada will have three characteristic features:

- (a) it will be coordinated in its method of developing comprehensive urban policies, based on continuing research and primarily oriented to the Federal presence and initiative;
- (b) it will be supportive to the current and future urban programs maintained and developed by other federal agencies and having direct urban influence from coast to coast. In this process, the Ministry will not attempt to duplicate existing delivery facilities, nor to take them over;
- (c) have a consultive position in relation to the federal/provincial and local governments' responsibilities in city and municipal matters.

The Ministry is committed to developing a broadly based and highly visible and continuing consultive forum and process involving the Federal Government, the provinces and the municipalities and urban communities, in order to build the broadest possible understanding for the process of urbanization and thereby, initiating a consensus in the building of national policies and federal initiative".

The major point that has to be made about the Ministry is that it is to have no delivery functions but is to act as the coordinator for all federal programs in the urban area (sounding more than a little reminiscent of the original hopes for the Ontario Planning and Development established in 1944).

Potentialities for the Ministry are enormous and the implications on the individual municipalities especially in a planning sense could be profound. Regrettably, the actual portents to date are less encouraging. The resignation of N. Harvey Lithwick from his Assistant Secretary position lends early support to a pessimistic view.

Having authored the report that resulted in the Ministry's being established, Mr. Lithwick resigned because "when I add up the pieces... it's just not going. The airplane is not getting off the ground. It's just not happening." (Toronto Daily Star, Thursday, August 12, 1971, page 1). His central assertion is that the very nature of governmental organization ensures that piecemeal solutions will occur. In his view the characteristically vertical bureaucratic and ministerial structures inevitably lead to rigid one-dimensional approaches to problems at all levels.

One of Mr. Lithwick's major points is that there is little built-in capacity, and little impetus to engage in "anticipatory policy-making" because the future is far too distant to produce votes in the next election, and the problems are too immense to commit the necessary resources in the face of a very long payoff period. In his words:

"... there is no capacity to deal with policy planning ... there is no clear sense of social priorities, or even where to look for them, no understanding of the relationship among priority areas and little real awareness of how they can be achieved."

If Mr. Lithwick is correct at the federal level, the problems for municipal planning are serious but not insurmountable. If he is prophetic of the provincial level as well, the prospects for municipal planning in Ontario will be gloomy indeed.

1.2.5 The Development Industry

Broadly defined, the development industry includes land developers, builder-developers and builders, together with supporting financial and professional services. Each of the principal component groups has distinct functions, and it may be useful at the outset to clarify the essential differences.

Land developers purchase⁽²⁷⁾ land, (frequently assembling many parcels) prepare and submit plans for development projects thereon, and shepherd the plans through an approval process which may result in a rezoning, or a registered plan of subdivision, or both. Next, the land is cleared (if necessary) and utilities and streets are installed (if necessary).

The improved lots are then sold (or leased) to builders, who may build for themselves, or more generally, for speculative sale to individual residential, commercial or industrial purchasers.

In order to protect their supply of serviced building land, many of the large house, apartment and industrial builders have turned to land development as well, thus becoming

⁽²⁷⁾ Or, more usually, acquire a controlling interest.

developer-builders. Similarly, a number of large retail chains have been drawn into land development in order to secure sites for their outlets.

In the municipal planning process, it is the land developers and the developer-builders, rather than the straight builders, who are the main participants from the industry. In most places, they are the catalysts of the process, and therefore principal performers in it. In many ways, the process was devised to control their activities, but in as many ways it was shaped to meet their needs.

The land developer is really a post-war phenomenon, who emerged in response to the municipalities' inability to provide essential services in pace with the builders' demand for serviced lots.⁽²⁸⁾

Land developers and developer-builders are nearly always private companies, and the trend is toward increasing size.

⁽²⁸⁾ In a sense, the land developer is the product of a reversal of roles. Formerly, the public sector built the streets and utilities while the private sector built the housing. Now, the private sector builds the streets and utilities, and because of the resultant high costs, the public sector (O.H.C.) is increasingly called upon to build the housing.

The individual entrepreneurs of the 'fifties tended to form the syndicates of the early 'sixties. In 1966 Consolidated Building Corporation became the province's first public development company. Many major developer-builders soon followed suit, for only in this way could access be obtained to sufficient capital to underwrite the start-up costs for developments on the scale characteristics of recent years.⁽²⁹⁾

On infrequent occasions, but then with significant impact, major industries have initiated new developments through expansion of their operations. Ford at Oakville and Talbotville, and more recently Stelco at Nanticoke are Southern Ontario examples. Such happenings seem to be more expected, if not much more common in the resource industries of Northern Ontario, where pulp and paper (Terrace Bay, Marathon) and

⁽²⁹⁾ It is to be hoped that, in the process of enlargement, the industry does not become so institutionalized that it loses the colour for which it is renowned.

A typical (and true) story concerns the syndicate which had met to decide on an offer received on a parcel purchased earlier. The price was more than had been paid, but fell disappointingly short of the group's original high hopes.

The debate went round the table, whether to get out, or to hang on in hopes of better times. It remained for the little man at the end to put it all together.

"Well gentlemen" he spoke with all solemnity "mit respect".

"I don't mind taking a loss, so long as there's a little profit".

mining (Manitouwadge, Elliot Lake, Ear Falls) have triggered new townsites of varying size in the post-war years.

Government land development activity of a direct kind has not been sustained. The urban renewal programs offered municipalities exciting prospects for development initiatives in inner areas, but only a few were able to seize the opportunity before the cancellation of federal and provincial support. In suburban locations, the federal-provincial land assemblies showed early promise of active public involvement in land development but the program seemed to lose its energy in the bitterness of the Malvern expropriation. In fact, Peterborough is perhaps the only sizable urban area to have enjoyed the lower land costs deriving from a public land development of real significance in the market area.

Thus far, Ontario Housing has been primarily an operator and a builder of housing, and through the H.O.M.E. program, the lessor of home building sites. As a developer, Malvern is the first major experience for the Corporation. In this instance, O.H.C. behaved, and was treated very much like any other developer. Whether the province will continue to accept a controlling attitude on the part of the municipality in Saltfleet, Waterloo (where other sites are owned) or Cedarwood remains problematic.

Apart from the VLA subdivisions, and the partnership lands involvement referred to above, the main federal land development activity has been in Deep River (near the Atomic Energy of Canada Ltd. nuclear experimental plant at Chalk River) and in the St. Lawrence Valley town relocation projects. The activities of the C.P.R. and the C.N.R. in land development are growing in importance (e.g. Metro Centre and Summerhill Square in Toronto). Indian bands are also showing interest in the development potential of some of their favourably located holdings.

Without diminishing the importance of the above, it must be anticipated that the real energy for land development will come from the private sector unless there is a dramatic shift in the current attitudes of governments at all levels. In the meantime, in the provision of trunk services, arterial roads and community services and facilities of all kinds, public bodies will continue to play an important if less direct role in the development of land.

Having in mind that it scarcely existed twenty years ago, the magnitude of the industry's achievements in the production of serviced land in Ontario receives too little notice. Most of the innovations and improvements in design originated in the industry itself (e.g. Don Mills, the original Guildwood

Village, Kanata, Erin Mills and Meadowvale). Yet, in terms of the actual mechanics of the municipal planning process itself, the industry has not had much impact. The system remains essentially bureaucratic in its origin.

Through its association, the Urban Development Institute, the industry has some accomplishments, notably its contribution to the passage of the Condominium Act in 1969. Less spectacular have been the continuing negotiations with individual municipalities on the minutiae of subdivision agreements, engineering standards, building code anomalies and zoning regulations, but these are essentially mechanics of the actual development, rather than the planning process.

In its early days, the industry was popularly viewed as being locked in remorseless combat with the municipal planning process. In fact the industry resigned itself to living with the process almost from the start, and its main energies have really been directed toward hurrying the process along.

The view of more contemporary critics tends more to the notion that the industry has in fact "captured" the municipal planning process in the major urban centres, and has succeeded in making its own values and goals the public objectives. In reply, the industry asserts that the production of serviced

land for all purposes (especially housing) is a public objective (or should be). ~~This exchange perhaps capsules the most important conflict to be resolved in the industry's future relationship to the municipal planning process.~~ This exchange capsules what is perhaps the most important problem for the industry within the municipal planning process.

Looking beyond, to the provincial level of planning, the challenge for the development industry is to cope with the process that has clearly pre-empted its catalyst role. The contrasting stories of Bramalea, Century City and Cedarwood⁽³⁰⁾ attest eloquently to this.

Moreover, as has been noted earlier, the provincial planning is highly prescriptive in its thrust, and frequently runs counter to prevailing economic trends. Those trends were among the few touch stones for an already speculative industry, and their suppression adds a new dimension to the uncertainties ahead.

(30) In 1958, Bramalea selected rural Chinguacousy, and turned it around. Eventually, more than 150,000 people will live there, owing largely to the determination of energetic men against formidable obstacles. Ten years later, Century City was proposed in Uxbridge Township. It was vetoed by the Toronto-Centred Region Concept. Cedarwood, the province's own satellite town proposal five miles to the south, has recently been expanded in potential to 200,000 people adjacent to the new International Airport site.

1.2.6 The Planners

A review of municipal planning activity in Ontario must of necessity address itself as well to the question of the planners themselves -- the officials, technically trained and otherwise, who operated the planning machinery at both municipal and provincial levels and who have been largely responsible for setting the tone and style (as well as the product) of planning in the province.

The early planners in Ontario came largely from two sources. First, a renewable core of young persons, some well trained, others with only minimal technical qualifications, who passed through the offices of Dr. E.G. Faludi⁽³¹⁾ and a few other senior planning consultants who single-handedly did almost all of the municipal and development planning which took place in Ontario in the first six or eight years following the war. Second, relatively large numbers of technically trained English planners, some with architectural qualifications, others trained as chartered surveyors, who were imported by C.M.H.C. in successive waves during most of the 1950's in what amounted to nothing less than a wholesale seeding of the colonial Canadian soil.

Both groups -- the consultant-trained nucleus and the English imports -- effectively preempted the various rungs available

(31) The many former employees of Town Planning Consultants Ltd. are known in the profession as "the falumnae".

on the municipal and provincial planning ladders. Their progression into the system followed various paths, but most characteristically perhaps they began by passing through the three large public agencies then operating -- Queen's Park, Metro Toronto and the City of Toronto -- and then on into the medium-sized cities and larger suburbs as these latter planning operations got started in turn and broadened out.

New Canadian-trained planners, arriving on the scene from the few universities affording technical qualification (Toronto, Manitoba, British Columbia, and, for a while, the idiosyncratic planning program at McGill) were able to insert themselves easily into the system. A handful of European-trained professionals also made their way into the Canadian planning scene, but not, generally, in the formative 1950's when the staff organization nuclei were effectively established. And of American-trained planners, emerging in large numbers to meet the heated-up demands of the huge federally-financed planning programs, only a relative handful managed to find their way across the border.

Whatever the source -- Dr. Faludi, U.K., or native university -- two main themes can be discerned, each of considerable significance in understanding the Ontario planning scene and

how it got that way. First, crucially important, is the extent to which the main roles in public planning were taken over by persons who, in the middle and late 1950's, were relatively young and with extensive careers in prospect. It is not an exaggeration to note that most of the professionals who worked themselves into senior agency positions during the 1950's were, at the time, in their twenties or early thirties. Today, effectively holding on to the reins of institutional power and authority, they are still largely in their forties or (at best) early fifties -- with 10, 15, 20 years of effective professional life in prospect. Rare is the public planning agency in the province where much room is to be found at the top. Rare equally the agency where those at the top were not moulded, professionally speaking, in a bygone era now 15 or 20 years past.

The second characteristic is equally important. Whatever their training and origin, these early planners -- today's leaders -- have spent most of their lives in the application and stale pursuit of development control. Whatever the specific activity -- official plans, district plans, zoning, subdivision regulation -- there has been only one game in town. The name of the game, in Ontario, has been development control. Few indeed are the planners, at effective levels of power and authority, who have devoted more than a fraction of their time,

energy and technical resources, to anything beyond the regulation of private development and the formulation of public service programs required to support and accommodate such development. Whatever else can be said of the abortive history of public urban renewal in Ontario, it can be noted at least that it afforded the planners one of their few genuine channels for creative, substantive, positive planning activity.

Two things are evident. First, the senior public planners have, in effect, been doing very little planning; they have served largely as planning administrators, carrying out chiefly housekeeping functions. Second, they have offered few initiatives and innovations. Professional planners in Ontario have carried out their jobs skillfully, to greater or lesser degree. They have not, in any discernible sense, emerged as a truly innovative force in the area of public policy formulation. Nor, equally, has the profession as a profession. Its institutional apparatus (the Town Planning Institute) has similarly devoted its major energies to internal housekeeping matters and has offered its members little beyond a basic trade union service. More dishearteningly, it has lent almost none of its professional expertise and influence to matters of important public policy.

As is true of the world the planner deal with, the planner's own world is changing, and changing rapidly. These emerging changes are dealt with more explicitly in the second section of this report. For now it can be noted that the narrow professional specialization and outlook which has characterized the planning professional is largely a thing of the past. Multi-disciplinary approaches, innovative techniques, a wide range of new policy concerns, are all taking over the centre of the stage. Some of the senior planning officials have adapted well; others are fighting an effective rear-guard action; still others it is fair to say, probably don't even know what war they're in. For most of them, one way or another, professional retreading appears to be in order.

1.2.7 The Public

Although Section 12(1)(b) of The Planning Act requires that Planning Boards

"hold public meetings and publish information for the purpose of obtaining participation and cooperation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area"

For the first decade or more, the municipal planning process functioned virtually without input from the general public for at least the first decade. During this period, most of the development activity was breaking new ground in the suburbs, where few existing residents were affected. The process mainly involved subdivision control procedures where no notice to adjacent owners was required in any event.

Even in matters where notices were sent, a corporal's guard was a crowd. Thus as late as 1958, the Scarborough Planning Board could conduct most of its meetings in a room which seated 10 spectators. In 1959 a widely-advertised public meeting for the Strathroy Official Plan drew six on a dry night.

The Community Planning Association of Canada was the principal focus for citizen interest in planning, and some success in promoting planning of a general and specific kind was achieved with municipal councils.⁽³²⁾ However, outside of an enthusiastic cadre, no great results were achieved in generating a broad public interest. Preaching to the converted has always been a hallmark of C.P.A.C. sponsored events.

⁽³²⁾ Notably the contribution of the Greater Toronto Branch to the initiation of the Metropolitan Toronto Waterfront Plan.

Prior to 1960, few strong sustaining community or rate-payer associations existed, and their concerns were strictly local. An attempt to organize a federation of associations in Toronto during the 'fifties died aborning. When the first plans for the Gardiner Expressway appeared in 1954 showing the alignment right along Sunnyside Beach, it was the Toronto Board of Trade, not a citizen's group, that raised the hue and cry.

Discussion of the many causes of the remarkable shift in society's values during the past decade will be left, mercifully, to the social historians. In retrospect, it seems evident that what triggered public concern in the area of municipal planning was the advent of the large, high apartment projects in inner city areas.⁽³³⁾ It is not always recalled that the highrise apartment project is a phenomenon of the past ten or twelve years only. The relatively little apartment construction that took place earlier was essentially in the form of 3-6 storey buildings in more scattered locations.

(33) It is sometimes suggested that planners spent the first 10 years trying to interest the public in planning, and the second 10 years bemoaning their success. In fact the planners' anaemic efforts were probably the least significant factor in the upsurge of public interest.

The new Toronto zoning policies of 1959 were a response to the impact of scattered apartments throughout neighbourhoods like Rosedale, and of the unsatisfactory physical results achieved in places like Parkdale's Jamieson Avenue. The new policies decreed the concentration of apartment buildings in strategically located areas, and encouraged high buildings with a great deal of green open space surrounding. These policies soon found expression in the zoning regulations of other cities. Quite coincidentally, a major technological advance, in the form of the hammerhead crane, dramatically reduced construction costs for tall buildings.

Suddenly conscious of the height and bulk of the apartment projects, ratepayers began to organize. This occurred not only in the inner city areas, but in the suburbs as well, where the second wave infilling process introduced height to the low profile neighbourhoods characteristic of the initial wave of development.

In inner city areas, the tension was heightened by a little recognized combination of circumstances. Even as apartment buildings were proliferating in their designated areas, the downtown residential districts, now protected against scatteration, were becoming more and more attractive for middle class homebuyers. The expectations of decline for Ontario's

inner cities (based largely on observation of quite different circumstances in American cities) were simply not fulfilled. Leadership did not flee to the suburbs, if anything it moved further downtown.

The resultant emphasis on conservation and rehabilitation of existing housing in lieu of private or public clearance and redevelopment is at variance with many municipal plans, policies and attitudes conditioned by an earlier day. In Toronto, this conflict is epitomized by St. James Town and Trefann.

When neighbourhoods fighting similar engagements saw that municipal policy was their common problem, federations of ratepayer's associations became possible. Unity will be sustained as long as legitimate common causes remain visible. If based only on mutual support in unrelated circumstances, it seems inevitable that the federations will lose credit-⁽³⁴⁾ ibility, and cohesion will be difficult to maintain.

(34) Thus, for example, the Toronto Islanders announcement of support for North Yorkers seeking retention of York Downs cannot escape a hollow ring. Under the new ground rules facing the Metro Parks Commissioner, the Islander's strategy is clearly aimed at seeing all of his annual budget used up for purposes other than Island Park expansion. They could care less about the golf course.

For the municipal planning process, the accommodation of citizen involvement at the neighbourhood level requires little more than a change of attitudes, some rationalization of procedures as to notice, and an acceptance of the time and costs entailed in involving citizens before proposals have been finalized and alternative solutions foreclosed. The real problem in this area is political, those who want to "participate in the decision-making process" really mean that they expect to be the ones who make the decision. This comes down to a question of how representative democracy might best be implemented, a matter well beyond the scope of this Review.

A much more perplexing dilemma for a planning process is how to involve citizens interested in projects or issues which are city-wide, metropolitan, or regional in context. In the official mind, these people tend to be regarded simply as "super ratepayers", but there is much to suggest that they are really quite a different breed from tenants or property owners concerned with rent and home values, and the "character of the neighbourhood". Although their initial interest may well have been kindled by a neighbourhood issue, and their ties (or at least identification) with their original associations persist, the "professional citizens", so called, have been drawn beyond the parochial level by the

sheer fascination of municipal affairs at the wider level,⁽³⁵⁾
 where not just apartments, but airports, stolports, express-
 ways, transit alignments, Metro Centres, Eaton Centres and
 Harbour Centres are the great issues for debate.

This a more remote and exclusive world previously peopled
 by the elected, the civic department heads and the technical
 experts.⁽³⁶⁾ With regional government incoming, and with the
 new sophistication in planning techniques, this is an expanding
 world.

For citizens seeking recognition and a contributory role
 among this elite, June 3, 1971 must now be regarded as a sort
 of Bastille Day. When the Prime Minister killed the Spadina
 Expressway, it meant that citizens could successfully challenge

(35) "Spadina was won on the playing fields of Aura Lee" goes
 the saying. There is probably a germ of truth in this,
 notwithstanding the fact that Colin Vaughan really didn't
 get his start until the rezoning battle opposite Wychwood
 Park about a year later.

"Which means", sighed an industry spokesman, "you can blame
 Meridian, not Greenwin".

(36) Contrary to widely-held belief, the development industry
 is seldom involved in metropolitan policy matters except where
 specific projects (e.g. Metro Centre) are involved. Developer's
 activities and hence their interests remain essentially local.

professional opinion on the most technical of subjects. For them, Spadina was, in a sense, the Moore-Mallory of metropolitan issues - they could win despite a very thin brief. The answer lay in policy, not in expertise.

The consequences of that decision extend far beyond the roadway itself. For the province, a new imperative for policy pronouncements has emerged. Was Spadina broad policy, or one shot? What about the Scarborough Expressway, Highway 406 in the Peninsula, Highway 417 in Ottawa, even Highway 17 in Kenora? Can the provincial government go on enunciating policy on a decision by decision basis, like the O.M.B.? More important perhaps, how can the province reconcile its evident predilection for intervention with its stated objective of strengthening local government.

For the citizens, anxious to consolidate a position in the larger forum, the search must go on for a medium through which participation is possible on a continuing basis, and with decisive effect. This means the establishment of an influential constituency which can be identified, consulted on the issues, and counted on for support.

For local government, the import is ominous. Coupled with O.M.B. tutelage in local affairs, continued provincial intervention in metropolitan matters can only strip away any serious municipal pretensions of power, at least so far as anything other than housekeeping is concerned. The municipal planning process will obviously reflect that weakness. In that case, why would anybody want to participate?

1.3 An Evaluation

Having reviewed the Act, and the actors, the next step is to offer an evaluation of what has been produced over the past twenty-five years. This will be done under two headings; the first, in terms of the municipal planning process itself and its main components, and secondly, in terms of the economic and social consequences of the process.

It will be understood that the judgements are only those of the authors. They are not put forward as representative in any sense of the views of all or even any of the persons interviewed, or who took part in group discussions held during the course of this review.

1.3.1 The Planning Results

1.3.1.a. Official Plans

When a planning area and board have been established, the latter is then charged under Section 12 of The Planning Act with preparing the official plan. The Act directs in mandatory fashion that the board shall prepare the necessary material, hold public meetings, consult with interested agencies, prepare the plan, recommend on its implementation and review the same from time to time.

The preparation of the plan follows the route illustrated on Figure 6. While there are minor variations to the process occasioned by the different kinds of boards, a typical plan would be recommended to the Council which then may adopt it and submit it to the Minister for approval. They may also choose not to adopt it and in which case there are no sanctions against their failure. The Minister in turn consults with other government departments and planning boards, offers his own comments (not required by the Act) and if necessary modifies the plan and then approves it. In cases of dispute, the plan or part of it, can be referred to the Municipal Board for a decision.

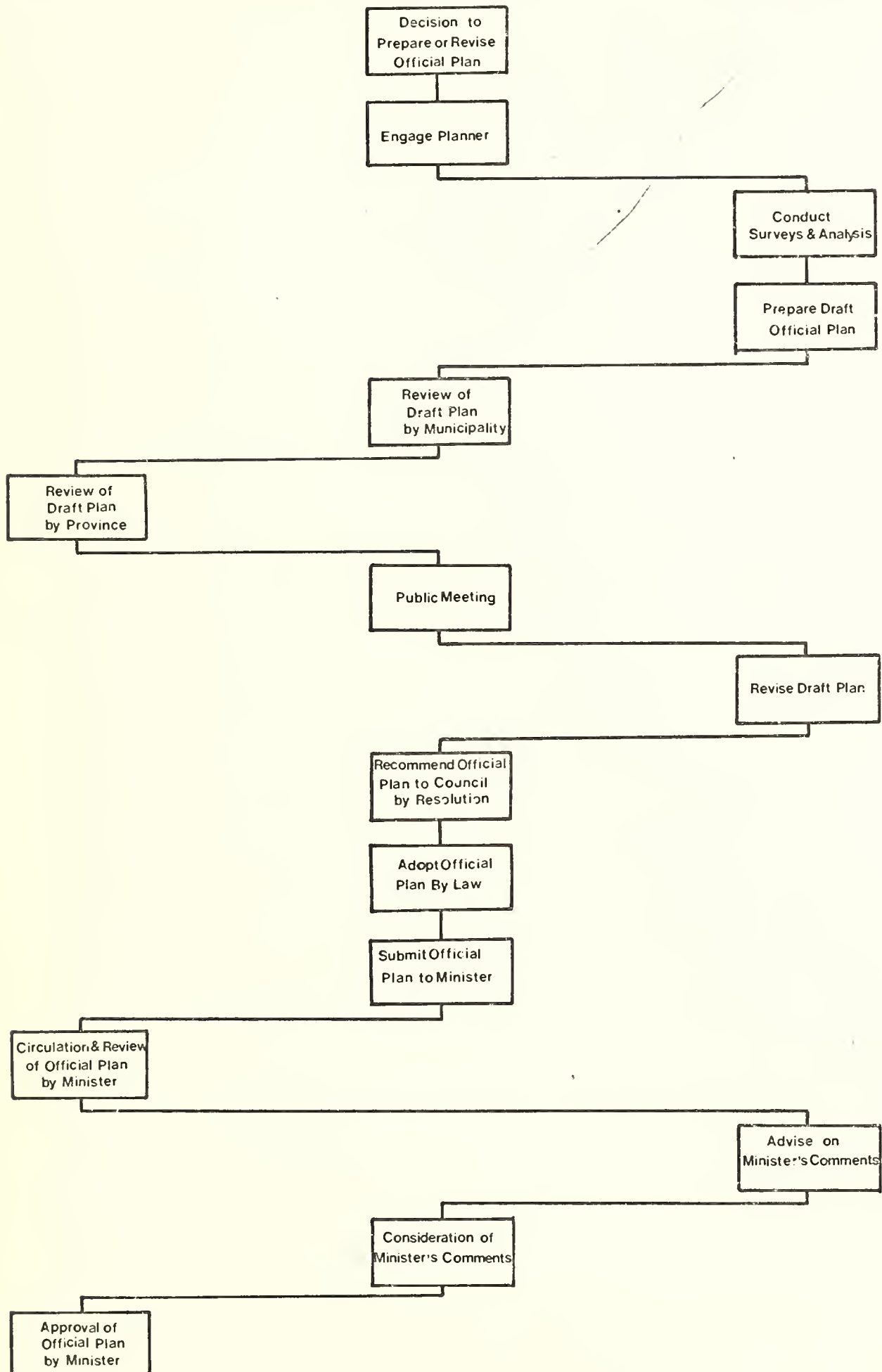
To the early lay proponents of planning, to the drafters of the legislation and to the few professionals that were on the scene in the decade of the Forties, the official plan was viewed as the central feature of all planning activity and the central pivot around which development, redevelopment and the related services would be shaped.

Once embarked on having an official plan certain consequences have always followed. Although it does not have to be implemented in positive fashion there are a number of negative requirements and permissive options. Section 19

STEPS BY THE PROVINCE

STEPS BY THE MUNICIPALITY

STEPS BY THE PLANNER



**Fig.6 THE PREPARATION &
ADOPTION OF AN
OFFICIAL PLAN**

and its predecessors provide that no bylaws or public works that are not in conformity with a plan may be undertaken; Section 21 permits the acquisition of land to implement a plan and (since 1952) Sections 22 to 27 allow for renewal procedures provided there is a plan. From time to time other features are made dependent on plans including such matters as the appointment of a committee of adjustment (1952 to 1962); cash-in-lieu for parkland (1952 to 1965); and, the passing of a maintenance and occupancy bylaw (1964 and current).

Although viewed as being the central planning document and the guide for all other planning activity the official plan in many cases has turned out more peripheral. The post-war family growth and immigration boom led to a demand for new housing that put the need for subdivisions ahead of all other planning considerations and in actual fact, these were really the dominant planning activity for much of the period since. It is only with a slackening of the more urgent demands and the increase in the number of professional planners that in the last few years the importance of the official plan is being more widely recognized.

This is not to say that the need for planning was not recognized, indeed it was, but this was a need for the operation of planning as an administrative function, judging on plans of subdivision and rezoning applications, rather than the need for a plan as a final document with the answers.

Early views on the official plan, influenced no doubt by the fact many early planners were architects as well, saw them as blueprints of a final design for a town. This is "town planning" in its classical sense. Analogies were seen between the planners plan for a town and the architects plan for a building and the former was looked upon as merely a larger scale version of the latter.

That this did not turn out to be the case was only appreciated very slowly and is not recognized by many even today. The reality is that instead of producing official plans as central blueprints for development, the planners became engaged in a process of ordering development by coordination of those affected. They became more administrators than designers and planning became more a process than an exercise to formulate official plans. Nevertheless plans did get produced, they did exercise some effect and they are now of increasing importance.

There are almost as many views on the content of an official plan as there are planners. Reference to the late Professor J. B. Milner's case book on Community Planning - Law and Administration shows a wide variety of opinions on both content and purpose of the Master Plan and his quotations from the Acts of other Provinces reflect a similar variation. In terms of definition, that for the official plan in the Ontario Legislation is perhaps one of the widest that exists anywhere. Almost from the beginning, it has defined a plan as

".....a program and policy.....designed to secure the health, safety, convenience or welfare of the inhabitants....."

The breadth of this definition would permit of almost any aspect of human activity being included in an official plan but their scope has not evolved on so broad a basis while their styles have become as varied as their authors. Even a cursory review of plans shows that they are not of a kind and that they vary widely in quality, content, format, policy groupings; even in interpretation and administration.

In the absence of any other guidance than the Act modified by the varied encouragements of the Community Planning Branch they have developed a marked tendency to reflect the biases,

intent and even pet theories of the planning directors and consultants who have drafted them. Notwithstanding these variations, the scope of plans has tended to follow along the lines of land use and public works very closely.

To the best of our knowledge, no one has yet done an official plan which has the right balance of content to provide a reasonably complete and reliable guide as to what is intended for a municipality. Very little is to be found in any plan on even such elementary matters as financing and economics and the philosophy of most municipalities has confined itself largely to land use regulation supplemented more recently by some attention to public works.

In examining the evolution of official plans, they have really followed two main lines. In the first instance, the plan has formulated a set of objectives or goals for the community. The segregation of land use into specific areas and the provision of sewers, roads, etc. were all designed rather as an end point in time and as a goal to be aimed at. In the second instance, plans have been used much more as administrative devices with the procedure for amending them being used as a form of development control. In this latter instance, the plan does not so much give goals to be aimed at as a process to be gone through in order to control building.

Some of the earlier plans for large cities followed this procedure very closely. In both the City of Toronto and the City of Hamilton Official Plans, their amendment and the amendment of a zoning bylaw for many years went simply hand in hand. In fact, the City solicitor for Toronto at one stage was heard to remark that the official plan was simply another zoning bylaw.

One milestone in the evolution was reached when the Scarborough Official Plan was approved in December 1957. This plan was quite markedly different from plans that had preceded it and tried to do three things. It introduced other aspects besides land use including a community structure, roads plan and staging program; it emphasized flexibility and departed from the idea of a plan as a more rigid map or blueprint; and it indicated successive stages in the planning process with the concept of secondary plans.

For many years after, this plan was cited as a model and it tended to set a pattern that was followed by those who recognized the values of flexibility and wanted the process to be a little more imaginative than merely zoning administration. Even though its style was recommended by the Branch, there was little attempt to lay down any policy for the drafting

of other plans and it is only recently that any serious effort has been made to indicate what kind of a document an official plan should be. The earlier policy was always one of administrative approval with arbitration between municipalities or government departments when their views on a plan may have conflicted.

There was an early belief in having a review function but this was minor owing to a lack of staff, education and a resistance on the part of local municipalities to planning control. Provincial review only emerged as an important factor through the 1960's with an increase in staff and a consequent increase in concern for the quality of planning. At the present time provincial review is perhaps the most important factor shaping the nature and content of official plans.

This review comes about through the approval process that follows when a plan is submitted to the Minister under Section 14 of the Act. The process can be summarized as having three particular aspects. Firstly the Minister refers the plan to those government departments and other municipalities he considers affected by it; secondly, his staff carries out their own review to examine the planning

merits or demerits; finally, the total of all comments is negotiated with the municipality. This technique has now developed to the point where it can truly be said to constitute Branch policy. In previous years, one or more of these elements may have been absent from the process and may have been dropped under the pressure of time or political considerations, but now it is invariably followed.

The policy however, is subject to a number of weaknesses. In the first place, the Branch does not feel itself bound by any comments from other government departments although it will do its best to see that their views are respected. Complaints are forthcoming from these other departments from time to time; whether it should be left to the staff of the Branch to have the final say on what comments will be acted upon seems somewhat dubious.

Another weakness is that in the absence of more detailed policy on plan content, the opinions of the official who is actually doing the review tends to become overprominent. Discussions with a number of municipalities have indicated that they feel the comments and the delays on official plans and amendments depend too frequently on the personality of the officer doing the reviewing.

Also in the negotiations on the comments some officials are more forceful in meetings with municipalities than others and this has a marked tendency to make the application of policy uneven. Inasmuch as the Branch only makes recommendations to the municipalities and seldom exercises any real insistence, it is obvious that the success of so-called policy depends heavily upon salesmanship rather than any firm reflection of government feeling.

To quote an example involving both the above points the official plan or an amendment thereto for the Town of Bradford and the Township of East Gwillimbury were considered by the Minister within a fairly short time of each other in 1970-1971. For both, the Conservation Branch of the Department of the Environment had recommended the inclusion of a standard policy it has concerning hazard lands. Although the two municipalities adjoin and share the Holland Marsh, their plans ended up with different policies. East Gwillimbury accepted the recommendation whereas Bradford fought it strenuously and its plan has a greatly modified version. The result of local autonomy is the application of different policies to the same problem land.

The process also lends itself to sensitivity through political pressure. A municipality that in its own opinion is not able to successfully negotiate with Branch staff will turn to appeals to the Minister as a means of getting its own way regardless of the Planning consequences. While this is perhaps not a wide-spread problem there are a number of instances, where successful political influence has led to disastrous planning consequences. Some means need to be found to make the approval process less sensitive to political pressure.

Notwithstanding these weaknesses the process itself has produced a few guiding policies within the Branch so that there could be some uniformity of approach in different instances. The general attitude towards official plans has always been an ad hoc one in which each plan was treated on its own merits but the growth of certain serious planning problems throughout the Province virtually demanded that there be at least some uniformity of policy.

A number of such policies have recently become evident, perhaps the most noteworthy being the U.D.I.R.A. policy (urban development in rural areas). This became manifest through a speech made to the 1966 Conference of the

*needs to intervention pressure just - an
municipalities to obtain plans. no approval*

Association of Ontario Mayors and Reeves in Sarnia by the Minister of the day. The essence of the policy is that permanent urban development is only to be permitted in municipalities that can provide urban services and where there is an official plan to guide it. Another policy that emerged was that on "Estate Development". This was not ever formally announced, even in a speech, although it was circulated in a letter to councils, planning boards and consultants and has become accepted by virtue of use. The policy again relates to development in rural areas and is concerned with the form of this in planned estate areas.

The only specific policy requirement for an official plan to emerge through legislation has been that concerning housing policies for maintenance and occupancy bylaws. When authority was given to municipalities in May 1964 to pass bylaws for prescribing standards for maintenance and occupancy of residential property, it was conditional upon there being in effect in the municipality an official plan that includes provisions relating to housing conditions. An issue of Ontario Planning, Volume 11, No. 2, 1964, gave some details as to what the Community Planning Branch considered to be the content of an official plan for this purpose.

10/2/2008

When this is viewed against all the other planning problems that have besieged Ontario over the last ten years, it seems somewhat anomalous that housing conditions should be singled out for legislative action regarding the official plan but that no other problem was so viewed. The inescapable conclusion is that this was really an ad hoc decision made by the legislature at a particular juncture in time and in the absence of any guiding philosophy on the part of the provincial government it was perhaps no more than an accident of history that it became enshrined in legislation.

Planning and development control under official plans has always been weaker in rural areas than in urban ones and the need for the U.D.I.R.A. and estate development policies is evidence of this. This state of affairs is not unexpected since rural areas are traditionally more conservative and the hallowed belief in the rights of land ownership is more deeply entrenched.

The problem of non-farm development in rural areas has probably been the most serious difficulty for official plans and few government policies other than that on housing have emerged for urban areas. The difficulties have meant that the application of any policy for rural areas has been uneven.

Loopholes in the legislation have been closed only slowly and even today there are municipalities granting consents under existing official plan policies, or lack thereof, which are contrary to what is usually permitted under new plans.

This latter situation underlines a further problem with official plans that concern their updating. It is now generally agreed that an official plan is in need of review at five yearly intervals. The Act however, makes no reference to any review and many plans are not updated. Some revisions may occur through the amendment procedure but these may not be comprehensive. Indeed no such comprehensive review of any official plan is presently carried out on any regular basis although they do occur fitfully in some municipalities. The result is, of course, that even where policy does emanate from the government it may not find its way into outdated plans and be thus rendered ineffectual.

One of the more recent policy problems that the Branch has had to contend with is that of the status of secondary plans. These as such are not referred to in the legislation which gives no guidance on the hierarchy for the planning

process. The use of secondary plans dates back to the late '50s and the Scarborough Official Plan. This was designed to pave the way for more detailed planning in the municipality at a secondary plan level. It was originally not intended that secondary plans be subject to Ministerial approval but this was later insisted upon by the Branch and these have been submitted in sequence for approval. The process has been time consuming and meant considerable review work on each secondary plan as it was put forward. Despite an initial flexibility in the plan itself the secondaries have tended to become more and more rigid. This in its turn has meant amendments to secondary plans with a creeping involvement with development control. Perhaps the ultimate was reached when Amendment No. 291 was submitted in 1971. The purpose of which was to change the bedroom count in an apartment building at Milland and Lawrence Avenues from that set out in the Eglinton Secondary Plan. The mind boggles at the prospect of the whole weight of Ministerial consultation and approval being focussed on the bedrooms of Lawrence Avenue⁽³⁷⁾.

definitely needs to be revised

(37) Thus inspiring a famous comment that the government has no business in the bedrooms of the Nation!

A later system of secondary plans was adopted in North York in the mid '60s with the preparation of the district plans. These were not drafted in a systematic way according to the municipality's official plan but were done as a result of the putting forward of the draft Metropolitan Official Plan. These also have gone into greater detail and have followed the same approval procedure as those of Scarborough. They are different, however, in that in most cases they have come when almost all development in the district is complete. They thus appear to put a seal of approval on what has already happened but hardly give much guidance for the future although they no doubt protect what is now in existence, a function once believed to be that of a zoning bylaw.

Resistance against secondary plans, and against the sort of situation they can lead to, has been manifest. While acknowledging a place for them in the process, it is felt by a respectable body of opinion that they should be working documents within the municipality not needing the Minister's approval.

Owing primarily to the red tape problem, there has been a growing reluctance on the part of a number of municipalities

to submit to the Minister more than was legislatively called for. The increasing delays in the Minister's review procedure has hardened the municipalities' attitude to the point where they now prefer to avoid obtaining this approval.

The Community Planning Branch has disagreed with this view quite strongly - witness a letter from the Minister of Municipal Affairs in December 1970 to the Mayor of Ottawa stating that it was the Department's view that more detailed policies should be included in the official plans. The letter gives a list of the matters which the Minister felt should be considered before the municipality entertained high density development proposals and went on to state that information relating to this should be included in secondary plans submitted for the Minister's approval by way of amendments to existing plans. This matter was considered so important that the Minister further said that he had decided to send the letter to several municipalities stating further that it is now the Department's policy that such municipalities should undertake to develop secondary plans for their neighbourhoods and communities as soon as possible.

This view may be contrasted with an opposite one taken by the Planning Director for the City of Kitchener who in a letter to the head of the Official Plans Section in June 1969,

Evidence for this

*Lack of perspective - what about
evaluation of system of planning
by 30*

complaining about the Branch's comments on a zoning bylaw, said that it was not necessary for every municipality to have an official plan. In reply, the head of the Official Plans section stated....

"We must disagree with you in regard to the need for an official plan approved by the Minister. I can state quite categorically it is the view of this Department that municipalities should have plans. It can be added also that the Municipal Board has taken basically the same position in a number of decisions."

Attention was then drawn to Section 12 of The Act where the planning board is enjoined to prepare an official plan. It must be remembered however that even though this section has been in the Act since 1946 and the specific wording says that the planning board shall prepare a plan, it is not mandatory upon the council to adopt it and is unaccompanied by any form of sanction.

The government has not seen fit to enforce this provision in any other way except by persuasion. While it may be the view of the Department that official plans need to be prepared, unless they are prepared to back up their feelings with something other than words, then it will continue to go unheeded in places like Kitchener which still does not have an up-to-date official plan approved by the Minister.

This continuing attitude and permissiveness can be seen in other aspects. The legislation for the regional governments states that the municipalities concerned shall prepare plans and set time limits on these but it makes no reference to their adoption or to any form of sanction if they don't. Presumably there are a number of sanctions that the government could use if it so chose but whether they will use them or not remains to be seen at the time that the first regional plan falls due under the respective legislation.

The nature of the planning business, dealing as it essentially does with people and their desires, looks for flexibility in a plan and a capacity to adjust to variations and to dwell on overall concepts. Against this view the trend towards more rigidity is sustained by the bureaucratic nature of planning administration which is faced continually with decisions, by developers looking for certainty in development opportunities and by property owners looking for security. Since these may conflict the politician tends the other way not wishing to be tied and looking for room to manoeuvre.

From these tensions between flexibility and rigidity arises an unpopularity for official plans and a reluctance to pursue their more comprehensive applications to social and economic

matters. A balance is inherently difficult and seldom struck. Too flexible a plan offers insufficient guidance while too much rigidity issues in frequent amendments and frustrating red tape. If they were honest, it may be suspected that most municipal planners, who find themselves administering more often than planning, want a plan not so much to predict as to use as a method of development control.

After 25 years of their use it cannot be said that a thoroughly satisfactory type of plan has been produced in Ontario. Much experimentation has been done and much remains to be done. The need for a more comprehensive document to guide development is pressing.

1.3.1.b Subdivision Administration

Subdivision administration is concerned with regulating the division of land for sale or for long term lease, and is therefore one of the principal means for the control of new development. In the expansionary years since World War II, subdivision administration has been at the centre of planning activity in most municipalities and, indeed in far too many, it has constituted the total planning activity. Only in the central cities, where substantially all of the land was divided into small parcels prior to passage of the Planning Act, is subdivision administration a peripheral function.

At the provincial level, subdivision control continues to absorb the largest proportion of the effort devoted to municipal planning. The Subdivision Section, one of 5 sections of the Community Planning Branch, currently engages 40% of the total staff. Other provincial agencies such as Transportation and Communications, the O.W.R.C. and the Conservation Authorities Branch also employ persons whose main, if not sole, duties are reporting on land division and subdivision plan applications.

Authority derives from two sections of the Planning Act, Section 29 which deals with parcels described by metes and bounds or in terms of a Reference Plan, popularly known as "consents"; and Section 33 which deals with registered plans

of subdivision. Although the effective difference is really one of scale (consents are usually limited in practice, though not in law, to two or three parcels at most per application), the two sections of the Act are administered in such contrasting ways that separate treatment is warranted in this Review.

(i) Section 29, 'Consents'

In 1947, municipalities were empowered to pass bylaws defining areas of subdivision control within which land severances not on registered plans were required to receive the approval of the local Planning Board, signified by a stamp on the deed, prior to registration. Purely advisory in all of their other duties in this one area, local Planning Boards were seized with the actual power of decision. In 1949, the power was limited to the creation of parcels 10 acres or less in size, the idea being to prevent any interference in the creation of new 'farms'.

The succeeding 25 years have witnessed a fascinating game of thrust and counter-thrust between would-be land dividers on the one hand, and the Community Planning Branch on the other. New loopholes were continuously devised or ingeniously uncovered, only to be closed with dogged persistence by further legislative amendments. Existing registered plans were exempted at first, leaving municipalities vulnerable to thousands

of unserviced, premature lots registered during pre-war optimistic era. Such plans were soon made subject to declaration as non-registered for the purposes of the subdivision control section of the Act. Later, part-lot control on any registered plan was made possible. When Whitchurch Township found itself being "eleven-acred" to death in the early 'sixties, a restricted area bylaw was passed to exclude the creation of 11-25 acre lots. Faced with the spread of this contortion of the zoning power, the 10 acre ceiling in subdivision control by-laws was finally lifted.

Entrepreneurial attention then shifted to those municipalities where no subdivision control bylaws had been passed, but this last and greatest loophole was closed when all remaining parts of the province were declared to be areas of subdivision control by Ministerial order in 1969. "Chequerboarding", the latest in the series of ploys aimed at circumventing the Act, was shut off by a 1971 amendment governing simultaneous conveying of abutting lands.⁽³⁸⁾

(38) Prior to 1971, land could be conveyed under Section 29(2)(b) - which paraphrased as follows:

"No persons shall convey land... unless, the grantor...., does not retain the fee or the equity of redemption in, or a power or a right to grant, assign or exercise a power of appointment with respect to any land abutting the land that is being conveyed ..."

The loophole in this, through which the "chequerboarders" operated, was that Company A say, would simultaneously convey land divided in chequerboard fashion to two other companies with Company B getting, using the chequerboard simile, the

In 1964, one of the few errors of commission occurred in the passage of amendments to the Planning Act. Administration of consents was impulsively taken away from Planning Boards and, to everyone's surprise, was given to Committees of Adjustment. The unconvincing reason stated was to afford Planning Boards an opportunity to plan, instead of devoting disproportionate energies to sifting consent applications.⁽³⁹⁾

red squares and Company C getting the black squares. The above 29(2)(b) provision was satisfied in that the original owner did not retain interest in any abutting lands but nevertheless, a division of land has occurred.

The situation was rectified in 1971 with the introduction of sub-section 29(5a) which may be summarized as follows:

"Where a person conveys land... by way of simultaneous conveyances... the person so conveying... shall be deemed... to retain... the fee or equity of redemption in... land abutting the land that is being conveyed..."

In other words, in a simultaneous conveyance such as in the example given, Section 29(5a) means that Company A still retains interest and therefore such a conveyance is in contravention of Section 29(2)(b).

⁽³⁹⁾ The story has it that a now forgotten owner from an obscure township awoke one morning to find a new dwelling interfering with his cherished view opposite. He fired off a letter to the local Planning Board, demanding to know why he had not been informed of the application. Since notice was not then required under the Act or any regulations pursuant thereto, his efforts elicited only the proverbial 'bed bug letter' in response.

In high dudgeon, he waited on the then Deputy Minister of Municipal Affairs, and persuaded that worthy of the injustice visited upon him. An amendment to the Act whistled through, to the total astonishment of the Community Planning Branch staff.

In fact, behind it all was a not widely-held conviction that adjacent owners were entitled to notice, and Committees of Adjustment were the only local bodies which happened to have well-established procedures with respect to notice and hearings. These related to applications for minor variances to zoning regulations and had been inherited from the old Section 390 of the Municipal Act which had dealt with zoning prior to 1960. Those same procedures were simply applied to the processing of consents, with the oft-noted result that an owner will be notified of an application to create a single lot opposite him, but not if a whole plan of subdivision is proposed.

The immediate effects were the creation of a lot of Committees of Adjustment where none had existed before, and to increase the number of inactive Planning Boards in rural areas. On the positive side, it gave the Community Planning Branch an effective way of policing the number of consents which were being approved, through the process of review and appeal.⁽⁴⁰⁾ On the negative side, that amendment effectively separated an important aspect of plan implementation from the mainstream of the municipal planning process. This untoward situation is being

⁽⁴⁰⁾ Section 42 of the Act, which empowers Committees of Adjustment to administer consents, requires that the Minister be notified of every decision.

perpetuated in Section 30 which provides for the formation of the new Land Division Committees (6 thus far) in counties or metropolitan, district, or regional municipalities. Presumably the object is to provide an arena for the processing of consents less subject to local pressures, which is perhaps desirable. However, the Act is at pains to exclude Council members from Land Division Committees, and thus continues the separation of this vital aspect of plan implementation from the rest of the planning process. If regional, metropolitan or district municipalities are intended to strengthen local government, and if, given an approved Official Plan, their councils are to be entrusted with a wide range of approvals presently exercised by the Minister, why should they not also be entrusted with the administration of consents?

Consents have always been the Achilles' heel of planning in Ontario. Although reasonably under control in major urban areas (where most land development is by registered plan of subdivision) the pressure for consents is unrelenting throughout much of rural Ontario. In the ex-urban fringe, the demand is for 'estate homes', most of which turn out to be small, non-farm dwellings. In agricultural areas, the demand for the non-farm home site is usually disguised as a lot for the farmer's son.⁽⁴¹⁾ In recreation districts, the pressure is for

(41) It has often been remarked that if all of the lots created on this pretext were totalled, it would turn out that Ontario farmers were the world's most prolific producers of male progeny.

cottages and chalet sites or commercial locations.⁽⁴²⁾ The result is the same everywhere, ribbon development along the side roads, with high costs for maintenance, school transportation and, in extreme situations, for pollution abatement. Figure 7 shows the land ownership pattern in the Town of Whitchurch-Stouffville after 20 years of pressure, notwithstanding a relatively tough local stance against consents.

As the most politically sensitive aspect of planning administration, consents have proven to be difficult to control at any level. In 1971, Committees of Adjustment granted over 12,700 consents.⁽⁴³⁾ Of these, only about 150 or a little over 10% were appealed by the Minister, chiefly because there is simply not enough staff to tackle anything but the very worst outrages. Besides, in the same year the Minister granted a further 5,900 consents in municipalities without Committees of Adjustment or in unorganized territories where consents are administered directly by the province through

(42) Not all consents contribute to urban sprawl; some are approved to permit in-filling in existing settlements, some facilitate land assemblies, others accommodate public or institutional buildings or industrial uses, but in aggregate, all of the above constitute only a small proportion of the total.

(43) This is equivalent to 3,000 acres of new subdivisions, or the area bounded by Queen, Yonge, Eglinton and Bathurst Street in Toronto.

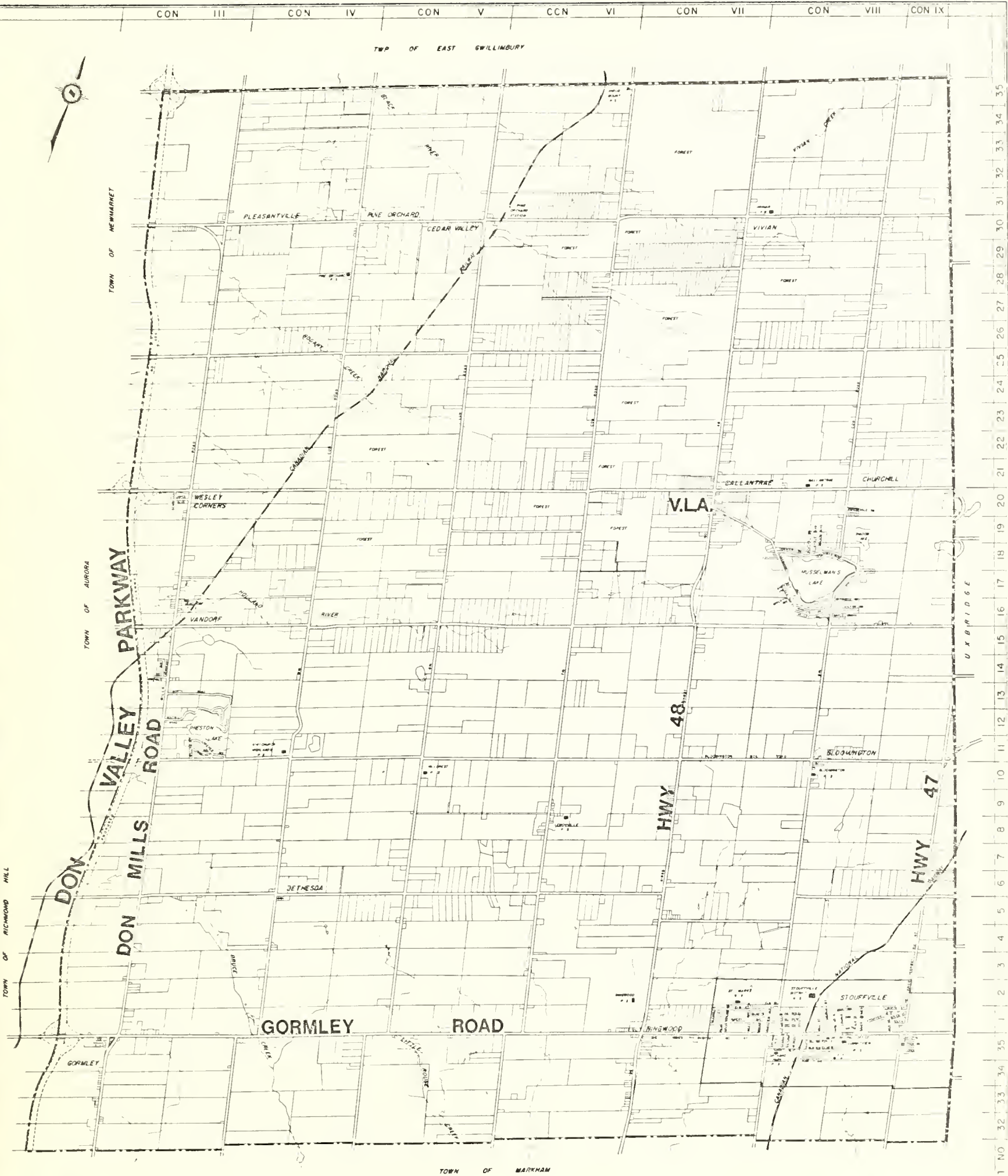
the Community Planning Branch. At the same time some 1,700 applications were not approved. (44)

The rapid increase in the number of consents recorded (see Graph, Figure 8) is not so much a reflection of increase in demand, but an indication of the spread of subdivision control bylaws and Minister's orders, and of improved recording practices.

Contrary to widely-held belief, subdivision control bylaws are not unpopular with local authorities. Usually, any initial misgivings quickly give way to satisfaction with the new found power. This should scarcely surprise, after all it is planning itself which lacks appeal, not the exercise of planning powers. Sadly, this is nowhere more evident than in the administration of consents.

Probably the most puzzling aspect of consent administration has been the reluctance on the part of the provincial government to entrust this function to municipal councils, the bodies which are ultimately accountable for the results. Even where comprehensive Official Plans have long existed,

(44) It should be understood that each application requires a site inspection, and some investigation as to availability of services, suitability of the soil for septic tanks, etc., all in all a Herculean task.



TOWN OF
WHITCHURCH-STOUFFVILLE
PROPERTY LOT LINES, - 1969

Fig.7

FOR PROPERTY LOT LINES WITHIN THE
VILLAGE OF STOUFFVILLE SEE REGIONAL
BASE MAPS BY 44-66-1, 1964

Scale 1" = 1000'
1" = 1000'
1" = 1000'

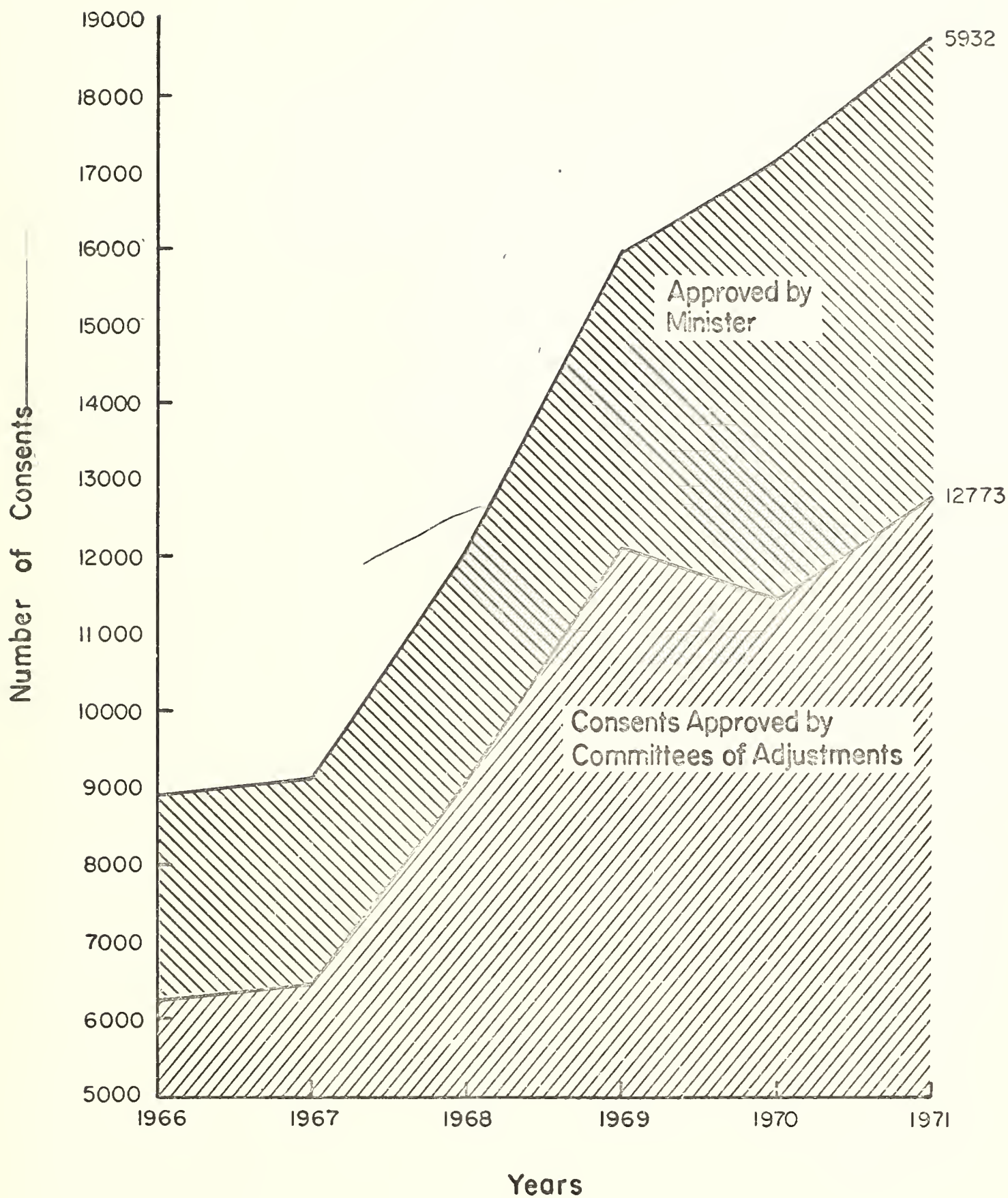


Fig.8 Consents Approved

Source; Community Planning Branch

and where a broad planning program is a well established function of local government (e.g. Scarborough, North York, Etobicoke, etc.) the council must monitor the Committee of Adjustment decisions to ensure compliance with municipal planning objectives. If not satisfied, the council can only resort to the tedious and expensive appeal process (or in the end, sack the individual Committee members at the conclusion of their terms). The same will be true of county and regional councils in their relationships to the Land Division Committees.

The past 5 or 6 years have not shown that Committees of Adjustment are any better at consent administration than the Planning Boards which preceded them. There seems to be little reason to fear that councils would be any worse. Given their ultimate responsibility for the consequences, the councils' continued exclusion from consent administration remains a cause for wonderment and regret.

(ii) Section 33, 'Plans of Subdivision'

Plans of subdivision are regulated under Section 33 of The Planning Act.⁽⁴⁵⁾ Unlike consents, applications for subdivision plan approval are made to the Minister rather than

(45) Plans for condominium projects are submitted to the Minister under the Condominium Act (1969). However, they are processed in the same way as subdivision plans submitted under the Planning Act.

the municipality, and the Act specifies the minimum information which must be included in the submission.

The approval process is in two stages, as illustrated in Figures 9 and 10. The first step is draft plan approval, which fixes the layout of the streets and lots. During this phase, the conditions with respect to servicing and other matters are established. These conditions must be fulfilled, or their fulfillment guaranteed, before the second step, final plan approval, is completed.

Although all approvals are vested in the Minister by the Act, the determination of the design and the setting of the conditions are left to local determination wherever municipal capability makes such delegation practical. In almost all of the actively developing municipalities, there is now at least a nucleus of permanent planning staff (or consultants are retained) to coordinate the circulation of the plan throughout the municipal departments and related boards and agencies, and to translate their comments and requirements into features of the design and/or conditions of approval. Where necessary, the Community Planning Board staff carries out those duties.

With the approval of the local Planning Board and Council, the plan (modified as required) plus the conditions of approval, are recommended (via the metropolitan or regional municipality

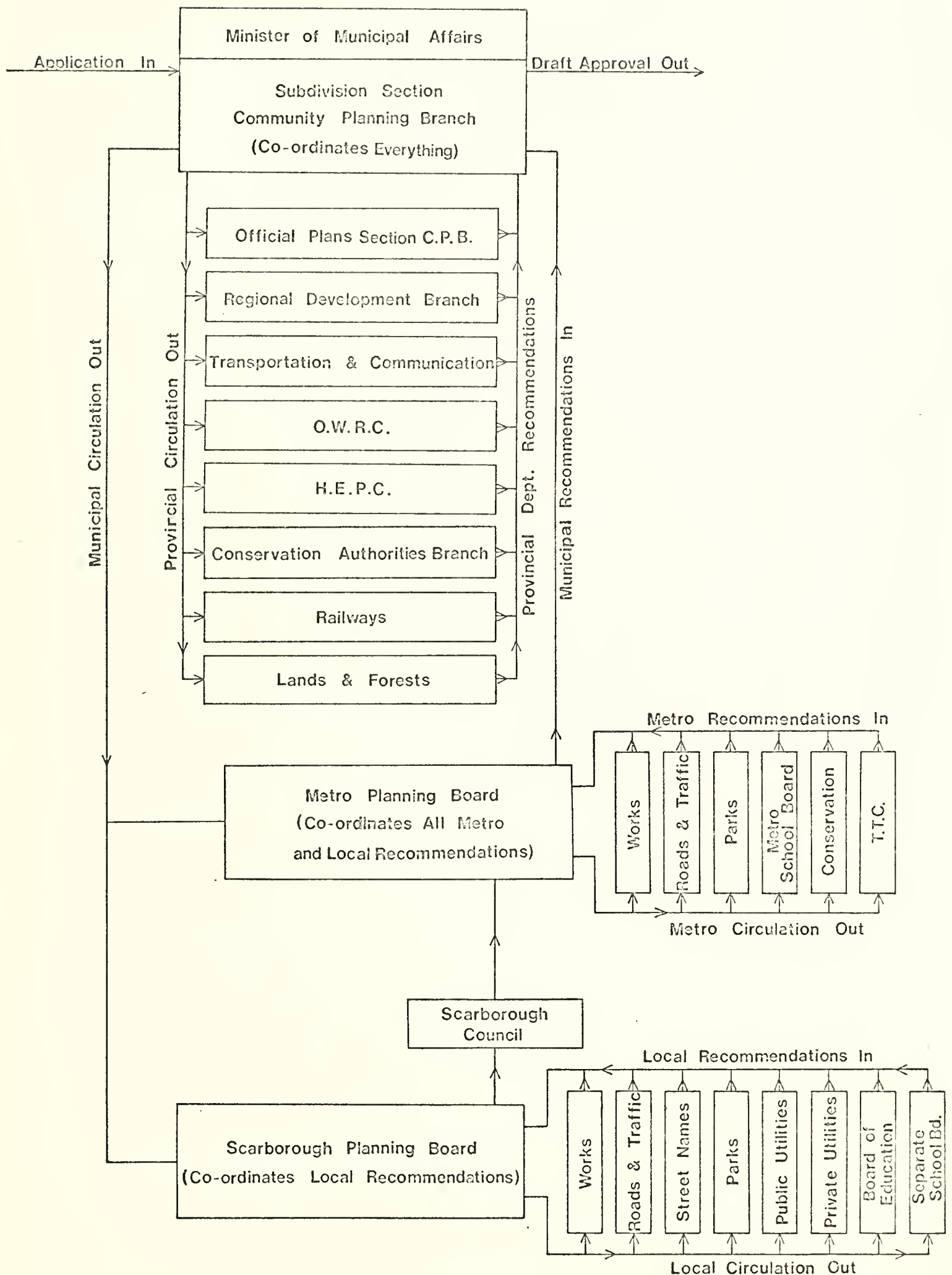


Fig.9 DRAFT PLAN APPROVAL PROCESS

eg. SCARBOROUGH SUBDIVISION

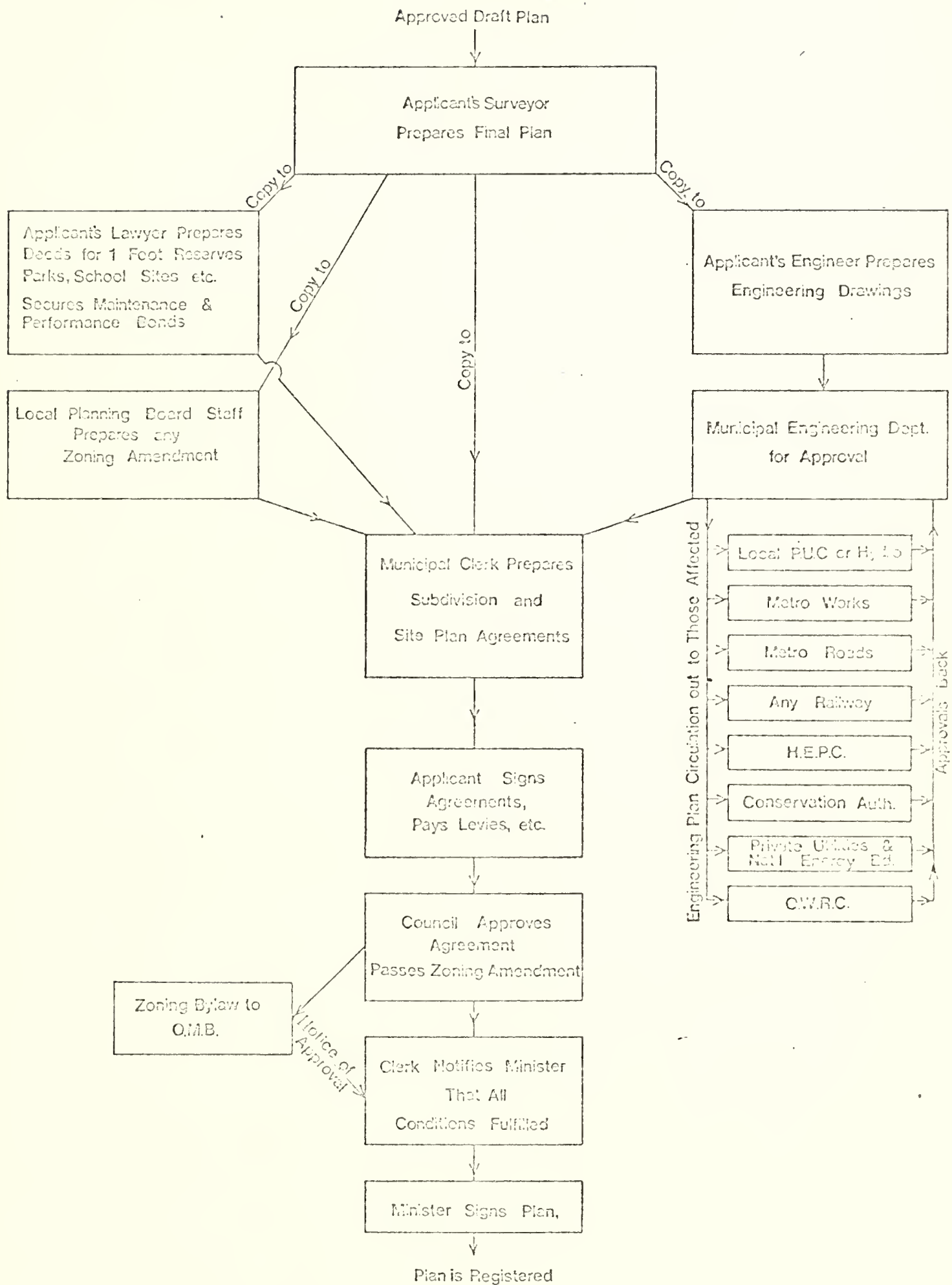


Fig.10 FINAL PLAN APPROVAL PROCESS

eg. SCARBOROUGH SUBDIVISION

if any) to the Minister. On the way, any special design features or conditions desired by a public agency at any level are incorporated. The Community Planning Branch also sees to it that any requirements of any federal body affected will be taken into account.

Figure No. 9 illustrates the draft approval process for a subdivision in the Borough of Scarborough. The general sequence is essentially consistent in most two-tier municipal situations, but it should be understood that the detailed steps in the process are not the same for any two municipalities.⁽⁴⁶⁾ Where there is only one level of local government, the municipality usually attempts to coordinate to requirements of the county boards and agencies, conservation authorities, etc.

It will be observed that some 20-25 agencies may make recommendations affecting the design or the conditions. There is sometimes conflict, but not as frequently as might even be expected. This is because the people involved usually confine their comments to matters within their own functional

(46)

Figure 3 shows that Scarborough requires the subdivision agreement to be signed before passage of any necessary zoning bylaw amendment. With equal determination, Mississauga insists that the bylaw be amended before the subdivision agreement is signed.

sphere or level of jurisdiction, while respecting the territories of others.⁽⁴⁷⁾ As the Subdivision Section of the Community Planning Branch is reluctant to intervene where local issues are involved, conflicts which do arise are usually resolved through strenuous negotiations by the applicant or his agent.

Figure No.10 shows the steps required to secure final approval, and these may entail scrutiny by a further ten or twelve agencies before the Minister's stamp is affixed, and registration of the plan completed.

Assuming that the plan is within an area of active development and that utilities are available, the whole process may take anywhere from twelve to twenty-four months. If an Official Plan amendment is required, an additional four to six months is automatic. An objection filed during the zoning amendment phase will add at least an extra four months.

(47) Conflicts arose much more frequently during the 'fifties and early 'sixties, when new house prices usually fell within N.H.A. loan insurance limits. C.M.H.C. design approval was then mandatory for most developments, yet the federal agency was outside the mainstream of the provincially-sponsored subdivision approval process. Disagreements between municipal planners and C.M.H.C. design critics were often sharp and sometimes protracted, to the considerable consternation of the applicant. This problem was never solved, it simply went away when lot prices drove the cost of housing up beyond N.H.A. ceilings. Nowadays, C.M.H.C. is scarcely involved in subdivision design approval, to the intense relief of everyone else concerned.

On top of this, it should be understood that most municipal subdivision agreements now require substantial completion of the installation of underground services before issuance of building permits, so that an additional four to six months will elapse before construction and marketing of buildings can get fully underway. Thus, when he files his subdivision application, the builder-developer is actually forecasting consumer demand, municipal requirements, availability of money and mortgage rates three years away. Small wonder his constant plea is for flexibility.

Since 1946, the Community Planning Branch has received more than 22,000 subdivision applications. Amazingly perhaps, sufficient have successfully negotiated the seeming maze to have accommodated the tremendous urban expansion and resort developments which have characterized the post-war years in Ontario. When it is remembered that all of the administrative staff and machinery at both provincial and municipal levels had to be organized and trained from scratch, and when the development industry itself, with its supporting cast of consulting planners, development engineers, architects, surveyors, lawyers and financiers had to build up from disconnected beginnings, the actual volume of production is a considerable achievement. By any quantitative measure, the administration of subdivision plans has been the most successful aspect of Planning Act implementation.

Qualitatively, the results have been somewhat less commendable. The recurring criticisms are these:

- the designs are poor, with dull and stereotyped environments the all too frequent result.
- the process is slow, resulting in additional carrying costs which must be passed on to the ultimate consumer.
- the standards applied are arbitrary and inconsistent, and the conditions attached are unduly onerous, adding to the burden of the eventual consumer.

These themes were so persistent among all interviewees that some elaboration of each is warranted.

On the question of design quality, it should be pointed out that much of the criticism directed at new subdivisions is naturally concerned with monotony of streetscape and uniformity of housing types and to the lack of social institutions and recreational facilities in the early years. These are important matters, but are not the results of things done or not done in the administration of Section 33 of The Planning Act. They will be discussed under appropriate headings elsewhere, while this section will be confined to the subdivision planning and development process.

It may also be useful at the outset to clear away a number of widely-held, but evidently not well-founded suppositions about the land development process. The developer who bulldozes everything flat is unshakably fixed in the public mind. Investigation reveals, however, that no developer willingly moves any more earth than is absolutely required to conform to carefully engineered lot grading plans approved by public authorities. It is simply too expensive. Top soil is valuable, and is not thrown away, but stored in long drumlin-like hills on the site to be respread after house construction is completed. Trees mean revenue, and their removal adds to costs, so that most projects seek to preserve as many trees as possible. (48)

The fact is that most of Southern Ontario is a gently undulating upland, devoid of abrupt differences in elevation except for the stream valleys. These have long been protected from invasion by subdivisions by the regulations emanating from the Hurricane Hazel tragedy in 1954. (Thus York Mills Valley, a truly lovely residential neighbourhood in North York, could not be initiated today.) Most of the urbanization in Ontario is taking place on land which supported mixed farming and

(48) Although only the largest developers (e.g. Erin Mills and Meadowvale in Mississauga) commission ecological reports, and prepare surveys accurately locating every significant tree, and noting the type and caliper.

dairying for the preceding 100 years. Relatively few trees remained and, unfortunately, many that did were Dutch Elms.

To remark on the above is not to deny the wisdom of the valley protection policies (quite the reverse), nor to discount the beauty of the Ontario countryside in its rural state. Rather (and this is perhaps simply stating the obvious) it is merely to observe that what is beautiful in farmland does not automatically enhance the cityscape, and to decry, if anything, a pervasive utilitarianism in the subdivision planning and development process which for so long has assigned the lowest priorities to such amenities as underground wiring, tree planting, landscaped boulevards and park walkway systems.

Having said all that, it must also be confessed that much contemporary subdivision design is still poor to mediocre in quality. The reasons are several, but none are insurmountable.

Most subdivision plans are drawn up by planners, surveyors, engineers or architects employed by the owner-applicant. The first problem is that not many are very good at it. After twenty-odd years there are still remarkably few community designers of real ability practicing in Ontario, perhaps a score at most, of whom only eight or ten stand

in the front rank.⁽⁴⁹⁾ The rest tend to concentrate on efficient⁽⁵⁰⁾ means of dividing the parcel into streets and lots. A feel for the topography and concern for rational local circulation systems and charming street pictures are much less in evidence.

In fairness, the designers are all too often working with only small parcels of land, without guidance in the form of a municipal plan providing an overall concept of the neighbourhood structure and its principle design components. The smaller cities and towns and the resort municipalities suffer particularly from the lack of such plans, mainly because

(49) Many of these obtained their training in the first two 'design schools' in the Province, E.G. Faludi's Town Planning Consultants Ltd., and the original Don Mills Developments Ltd. planning team headed by Macklin Hancock.

(50) Efficiency is frequently measured simply by the lot yield. Where an average designer might produce a reasonable scheme with 4.5 lots/acre, an experienced man will design an equally acceptable plan with 4.6 lots/acre. On 100 acres, this means 10 more lots, each of which may be worth up to \$15,000 in a metropolitan market.

A better test is the saleable frontage ratio, which relates revenue (i.e. the aggregate frontage of all the lots) to cost (i.e. the length of street). The theoretical maximum is 2:1 (e.g. a street 1,000 feet long produces 1,000 feet of saleable frontage along either side). In practice, flankages, street intersections, park frontage, irregularly shaped lots, etc. (collectively referred to as "slippage") reduce the real potential to 1.5:1 or 1.6:1.

Many people seem to feel that high efficiency means "sweating" the land, but this is not necessarily so. Experience indicates that the most efficient plans can also be the most sensitive and best structured.

there is no staff to prepare them, and no decent contour maps to serve as a base for the design.

Although it is somewhat easier to be a good design critic than a good designer, these people are in short supply as well. Their function is vital to the subdivision approval process, and their scarcity is the second major problem. Whether appointed as members of council or as citizen members, few people are selected for planning boards in Ontario on the basis of acquired knowledge or even inherent appreciation for civic design. There are undoubtedly some who could articulate objections to a subdivision design, but it would be fortunate indeed to encounter anyone who could offer constructive suggestions for improvement. The vast majority of members have never been shown the difference between good and bad mediocre design, and remain unaware that there is a difference, even after many years on planning boards.

Subdivision design workshops, sponsored by the Community Planning Branch, reach very few board members unfortunately. The Subdivision Section does refer some plans to the design team in the Special Studies Section of the Branch, but each involves a site visit, discussion with the owner, the municipality, etc. With about 1,000 new applications per year, it is obvious that only a few can be treated in this way. Figure 11 shows the trend in subdivision applications for the past decade.

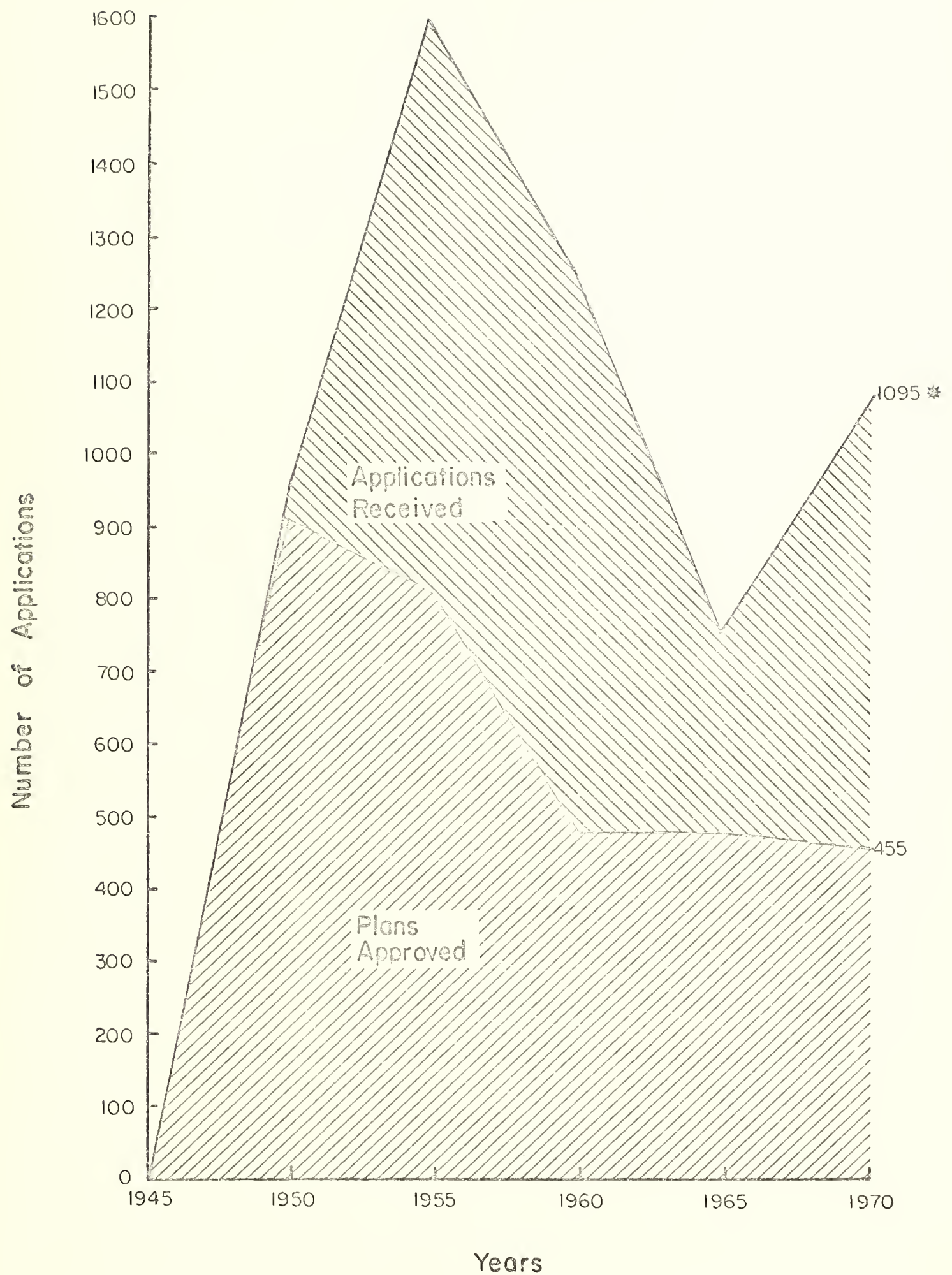


Fig.11 Subdivision Applications

Source; Community Planning Branch

Even among the professional planning staffs of the municipalities, there are not many of acknowledged ability to improve designs. There is at least an equal chance that a sensitive design will be sadly compromised in the approval process, and many desirable features sacrificed in the interests of fixed attitudes, inflexible standards and municipal housekeeping.⁽⁵¹⁾ Indeed, the municipal review process functions almost exclusively to ensure adherence to standards of a quantitative nature. An ability to think three-dimensionally is rare, and if qualitative concerns are raised, they are all too frequently expressed in terms of the appearance or symmetry of the drawing, rather than what is visualized on the ground.

The staff problem may not improve very quickly. At this writing, there is only one lecturer in the Ontario Universities with any extensive experience in community design, and his course is given to engineering students. Only a small proportion of the students in the post-graduate planning schools come from design backgrounds these days, and not many of the others seem to be much interested in subdivisions. This is unfortunate really - most people in Ontario will live in subdivisions.

⁽⁵¹⁾ Thus, for example, North York rules out cul-de-sac streets, Gloucester Township insists on the sector system of neighbourhood design and the City of London will not accept 'elbows' where streets turn at right angles.

There never has been much of a premium placed on good design, and this, undoubtedly, is the real problem. Good or bad, the plans are all processed at the same rate, and as long as certain mechanical standards are met, the financing is all on the same basis. The public seems willing to buy without much thought for community design. (52)

Throughout the 'sixties, the design professions and C.M.H.C. jointly sponsored the annual Stratford Seminar on Civic Design. Although the presentations usually stressed design, the ensuing discussions always dealt with social, economic or political issues. The Urban Development Institute initiated an annual series of awards in various categories, including community design but this lapsed through lack of contestants from within the membership.

(52) A revealing anecdote was described in a feature newspaper story on Erin Mills. The New Town had been officially opened amidst glitter and fanfare by Premier William Davis the month previous, an event which climaxed three years of the most intensive planning effort by the developer, the municipality the Boards of Education, the county and the province. Experts of every kind were involved. The article described how the input from planners, architects, engineers, ecologists, sociologists, traffic analysts, recreation consultants, etc. was reflected in the layout and the facilities proposed for the new community. At the conclusion was an interview with the first family to move in. It turned out they were totally unaware of all that had been planned. He had bought the house because the price was right and because she liked the kitchen.

In Metropolitan Toronto, farm land thought to be developable within 2-3 years sells for \$30,000-\$40,000/acre. Interest charges up to \$1,000/day on a 100 acre parcel are not uncommon. Although costs are generally lower elsewhere in the province, the ability to recover from the sale price is also less. In the end, of course, it is the consumer who pays.

Time then, is everyone's enemy, but the subdivision approval process is obviously on the side of the foe.

Figures 3 and 4 present a formidable obstacle course, but a few among even the most vociferous critics suggest that any of the steps are unnecessary and could be eliminated. Rather, it is the time taken to perform each step that is the main target.

There are many reasons why the process takes so long, and they will be identified. It should be recognized, however, that these are merely symptoms of the root cause, which is the lack of any sense of urgency from the top. In twenty-five years, no government of Ontario has ever given serious notice that despatch is of any importance in subdivision administration. As a result, there is by now an almost universal resignation to a Kaffkaesque system, in which delay is of no consequence, and where lengthy processing is equated with careful study.

Thus, when an Official Plan amendment is involved, the Community Planning Branch refuses to initiate the subdivision circulation process before the amendment is approved, even though there is no convincing reason why the plan and the amendment (which usually amount to one and the same thing) cannot be processed concurrently.

Thus too, municipalities and Boards of Education can deliberately and safely use the system simply to retard the rate of development, for any number of reasons⁽⁵³⁾ some of which may have nothing directly to do with the project itself.

Serious staff shortages in the processing agencies at all levels of government are tolerated even though this is widely recognized as the primary cause of delays.⁽⁵⁴⁾ Progress through the system remains dependent at too many points on the attention of agencies whose main interests are decidedly elsewhere. Boards of Education often provide a case in point.

(53) Although Section 44 of The Planning Act does permit requests to the Minister for reference of an application to the O.M.B., the consensus seems to be that, with the variety of plausible excuses available, deliberate stalling by the municipality would be virtually impossible to prove.

(54) It is the scarcity of civil servants in the process, not their productivity which is the main target of the industry's criticism. Many perform daily prodigies and this is well known by the industry. The Conservation Authorities Branch, for example, attempts to review every subdivision application in the province with a staff of 5.

Where conflicts arise, as they frequently do during the process, face to face negotiations sometimes offer the only avenue to a solution. The fact that the provincial administration function remains centralized at Queen's Park adds to the complications faced by anyone distant from Toronto. It also increases the difficulties for site inspections by Community Planning Branch staff where such are required. As yet, Thunder Bay is the only branch office authorized to carry out all of the functions of the central Subdivision Section, although its success and popularity in this has been evident for some time.

The development industry and its supporting cast of consulting planners, engineers, lawyers, etc. have also come to accept the situation. For the latter group, many professional practices by now have a substantial investment in the intricacies of the process, which remain unfathomable to the uninitiated. For the developers themselves, the ever-rising market has always allowed them to pass on the increased costs which the delays engender.

As always, in the end, it comes back to the public who, in passively accepting the consequences, ensure the perpetuation of the problem. The existing system allows little time for public input. If citizen participation is to be increased, the process must be tightened up elsewhere, even to retain the present glacier-like pace.

Under Section 33(5) the Minister may impose conditions to the approval of a plan of subdivision, which may include, among other things:

- (a) dedication of up to 5% of the land within the plan for public purposes other than roads (in practice this means parkland);
- (b) dedication of land for roads, and
- (c) road widenings;
- (d) the provision of services, etc. through subdivision agreements entered into by the developer and the municipality.

Each is a cause for continuing friction to some degree.

The 5% dedication for park purposes was generally considered to be adequate during the first ten to fifteen years following passage of the Act, when densities for new developments ranged from sixteen to twenty persons per acre. The past decade, however, has witnessed a steady increase to the prevailing thirty-forty persons per acre, as multiple family and apartment units have proliferated. The Planning Act has never been amended to take this into account. (55)

(55) The arithmetic is as follows:

@ 20 ppa, a 100 acre subdivision would accommodate 2,000 people. 5% for parks, or 5 acres would provide 2½ acres/1,000 population, generally accepted as adequate for neighbourhood and community scale parks which are regarded as the responsibilities of the local municipality.

@ 40 ppa, 10 acres would be required to maintain this standard. To make up the shortfall by purchase, even at unserviced land prices, could cost a municipality \$100,000-\$200,000, in a metropolitan situation.

Many municipalities simply "lean on" the developer to dedicate the additional acreage, or include an equivalent financial contribution as one of the terms of the subdivision agreement (see (55)). The mechanics are simple enough. Those municipalities have policy statements in their Official Plans setting parks standards relating to population. Any subdivision which does not provide for, or contribute to, parks in accordance with those policies does not conform to the Official Plan, and is therefore not recommended for approval even though it meets the test of 33(5)a.

For the municipalities sufficiently concerned for their parkland inventories, the system is acceptable simply because it has worked thus far, and has never been tested. Developers' objections centre less on the cost (which will be passed on in any event) than on the uneven result. Not all municipalities ask for more than 5%, and of those that do, no two use the same basis for calculating the additional requirements.

Dedications for roadways are perhaps a less vexatious issue, but are still an important question. In all but a few municipalities, the minimum width accepted for the road allowance is 66 feet, harking back to the measurement of the surveyor's chain used in the original municipal surveys 100 years or more ago. More important avenues are required to be 86 feet (4 lanes), 100 feet (4 lane county roads), 120 feet (6 lanes) or

more (if to be centre boulevarded).⁽⁵⁶⁾

Many municipalities appear to believe that these are standards set by the Community Planning Branch, or by the Department of Transportation and Communications, (especially to 66 foot minimum, which is almost universally thought to be required for provincial subsidies or road maintenance). In fact, they are not.

Kitchener permits 50 foot allowances on minor streets (and reduced specifications on the services installed) in order to assist production of lower cost units in certain areas. A special agreement with the developer, controlling the sale price ensures that the savings will be passed on to the purchaser.

In Blackburn Hamlet, Gloucester Township recognized that an effective park-walkway system plus necessary active recreation space could not be provided within the 5% land dedication. The problem was resolved by permitting 60 foot road allowances on minor loops and cul-de-sac streets, and the acreage saved (a surprising total) was put into the parks. It is not certain, however, that this eminently sane policy will be continued.

⁽⁵⁶⁾ Scarborough and Mississauga are among the few municipalities which sensibly tailor the right-of-way width much more carefully to the pavement width.

The opposition to reduced right-of-way widths actually comes from engineering personnel at all levels, who argue ably and forcefully on the basis of the separate spacings required for pavement, sidewalks, and utilities of various kinds. Whatever the merits pro and con, the continuing debate could only be assisted by a provincial policy statement on these matters.

Road widening requirements are limited by custom, although not by the Act, to a maximum of 27 feet except in unusual circumstances, and are seldom a cause for serious controversy. What the subsection lacks, however, is provision for accepting cash in lieu, in the absence of which municipalities are forced to take equal widenings off both sides of concession roads in order to be fair. As a result, the existing trees are destroyed on both sides.

Subdivision agreements remain the cause of most of the friction which accompanies the subdivision approval process. The Minister's conditions, authorizing these agreements, are couched in the most general language, leaving it to each municipality to determine the terms and contents of the agreement in the light of its own standards and circumstances. Although this self-determination is laudable enough in principle, it is not without untoward consequences in practice.

It should be understood that the provision of all services to prevailing municipal standards for new development has been almost universally practiced and accepted since the early 'fifties, and is not a matter of dispute between the development industry and the municipalities. New requirements always encounter objections when introduced, but resistance to demonstrably desirable improvements (e.g. underground wiring) has never been sustained.

The continuing controversies focus on the engineering standards applied (especially on variations between municipalities), financial requirements (particularly levies and the terms for providing and release of performance and maintenance bonds), and housing standards (especially floor area requirements and attached garages). The last, frequently find eventual expression in zoning bylaws rather than in agreements.

Thus North York Engineering uses a higher rainfall intensity curve for storm drainage calculations than Etobicoke does. As a result, storm sewers built east of the Humber River must be larger and therefore more costly than those on the west side. Any difference in the way the rain actually falls has yet to be observed.

Cash levies can be equally arbitrary and variable, even within the same general area. For example, Etobicoke charges no levy for local sewer purposes, North York charges \$2.50/foot, and

Scarborough charges \$6.25/foot. In the City of Toronto, East York and York, new development usually takes place through rezonings rather than by subdivision plans, in which case not even the Metro levy is paid.

Municipalities need not and do not account to the Minister, the developer, or the eventual purchaser (who actually bears the cost), where the funds so collected are spent or for what purpose. Many municipalities conscientiously plough the money back into the community in the form of major improvements. Scarborough, for example, builds storm drainage channels, among other things, out of levies and in this way spreads the cost of these expensive works over the whole drainage area, rather than leaving the burden to the properties which the watercourse happens to traverse.

On the other hand, Ajax used the levies from its Clover Ridge subdivision to build a recreation centre to serve the whole town. The quid pro quo is that the new residents will enjoy facilities already provided by the earlier inhabitants.

Although Section 33(7) does provide for reference of subdivision agreement contents to the Ontario Municipal Board for arbitration, this has seldom, if ever, been utilized.⁽⁵⁷⁾

⁽⁵⁷⁾ An unfortunate consequence of referring a subdivision plan, or an agreement, to the OMB arises from the fact that there is no way the Board can refer the plan back to the Minister after it has rendered its decision on the question

Many developers cite fear of reprisals on subsequent applications as the cause of their reluctance, but this seems ill-founded. Municipal displeasure is frequently aroused for a variety of other reasons, but evidence of later discriminating behaviour by council toward the same applicant is scarce.

The real reason is the time factor. Arguments over the terms of a subdivision agreement only emerge toward the end of a process which may have already taken 18 months to 2 years. The option for the developer is waiting a further 6 months for an O.M.B. hearing and decision (which may go against him), or capitulation to the municipality's demands, and registration in a matter of weeks. This is no choice. The developer invariably caves in.

Although the reasoning of the individual developer in each specific circumstance is understandable, collectively the industry must assume a large share of the blame for the cumulative result. By now the municipalities feel free to attach

at issue. The Board is stuck with the job of completing all the routine paperwork prior to registration which is normally handled by the Community Planning Branch staff, a chore the Board is not staffed to handle. Westwood Village in Malton, for example, has been a burden to the Board for over ten years.

any conditions they choose, and they do.⁽⁵⁸⁾ Curiously, the popular notion persists that it is the developers who push the municipalities around.

Minimum requirements for floor areas in dwellings, the provision of attached garages, etc. are characteristic of rapidly growing municipalities seeking to protect per capita assessment positions. Developers consistently inveigh against the practice and correctly point to the reduced ability of the private sector to produce lower cost accommodation as a result.

The municipal response is predicatable, and valid. The inadequate revenue base apportioned them by the province affords no other choice, and higher cost housing is better than no housing. Besides, the development industry has shown little enthusiasm for any suggested restraints to its own revenue potential to ensure lower housing costs. The Kitchener price control system described above is not especially popular with developers, and there has certainly been no clamour for its introduction elsewhere. Indeed, at this writing, the experiment seems unlikely to be repeated, even in Kitchener.

⁽⁵⁸⁾ The record for sheer, unmitigated gall was undoubtedly set by the old Township of Markham prior to its absorption into the Regional Municipality of York. Although there is no provision in the Act for charging subdivision application fees, some municipalities do charge a nominal \$5-\$10/acre to defray processing costs. No pikers they, the Markham Township Planning Board introduced an application fee of \$30/lot in 1970. For one subdivision of 100 acres, the application fee amounted to over \$13,000. The developer paid.

1.3.1.c Zoning Administration(i) Zoning Bylaws

Municipalities may pass zoning bylaws under Section 35 of the Act (where they are still referred to as "Restricted Area Bylaws") covering

- (a)
 - the use of land,
 - the erection or use of buildings,
 - buildings on marshy or otherwise unsuitable land,
 - regulating the cost of type of construction of buildings and the height, bulk, location, size, floor area, spacing external design, character and use of buildings, and the minimum lot dimensions, (59)
 - loading or parking facilities,
 - establishing pits or quarries, and
- (b)
 - prohibiting the use of land and the erection or use of buildings unless services are available.

Legislation enabling the passage of zoning bylaws preceded the passage of The Planning Act by nearly three decades, and in fact remained a Section of the Municipal Act until 1960.

(59) Although the Planning Act permits the regulation of only lot frontage and lot depth, most municipal bylaws specify lot frontage and lot area. A lot area provision was finally challenged (Anzil Construction Ltd. vs. West Gwillimbury Township) and ruled invalid in 1971. An amendment to The Planning Act is anticipated.

Characteristically, bylaws are initiated by the municipality, and amendments are proposed by individuals in applications made to the council. Zoning bylaws and amending bylaws must be approved by the Ontario Municipal Board (Subsection 35(9)) before they come into effect. Figure 12 illustrates the usual process followed in drafting a new zoning bylaw.

Thus, because of historic origins, and notwithstanding its major significance in planning, the Minister stands curiously aloof from the zoning process. As a staff service, the Community Planning Branch comments to the Board on the quality of bylaws and their conformity to Official Plans where such exist,⁽⁶⁰⁾ but as has been noted in the preceding chapter on the Ontario Municipal Board, there is no evidence that any policy directives or guidelines have ever passed from the Minister to the Board.

During the past two decades, zoning has been accepted in all urban centres in Ontario. Comprehensive bylaws now prevail where no regulations, or where a collection of incomplete and unrelated restricted area bylaws existed previously. It is important to recall for our later discussion how, in the early

⁽⁶⁰⁾ Within Metropolitan Toronto, this service is now provided to the Board by the Metropolitan Toronto Planning Board staff.

Exaggerated

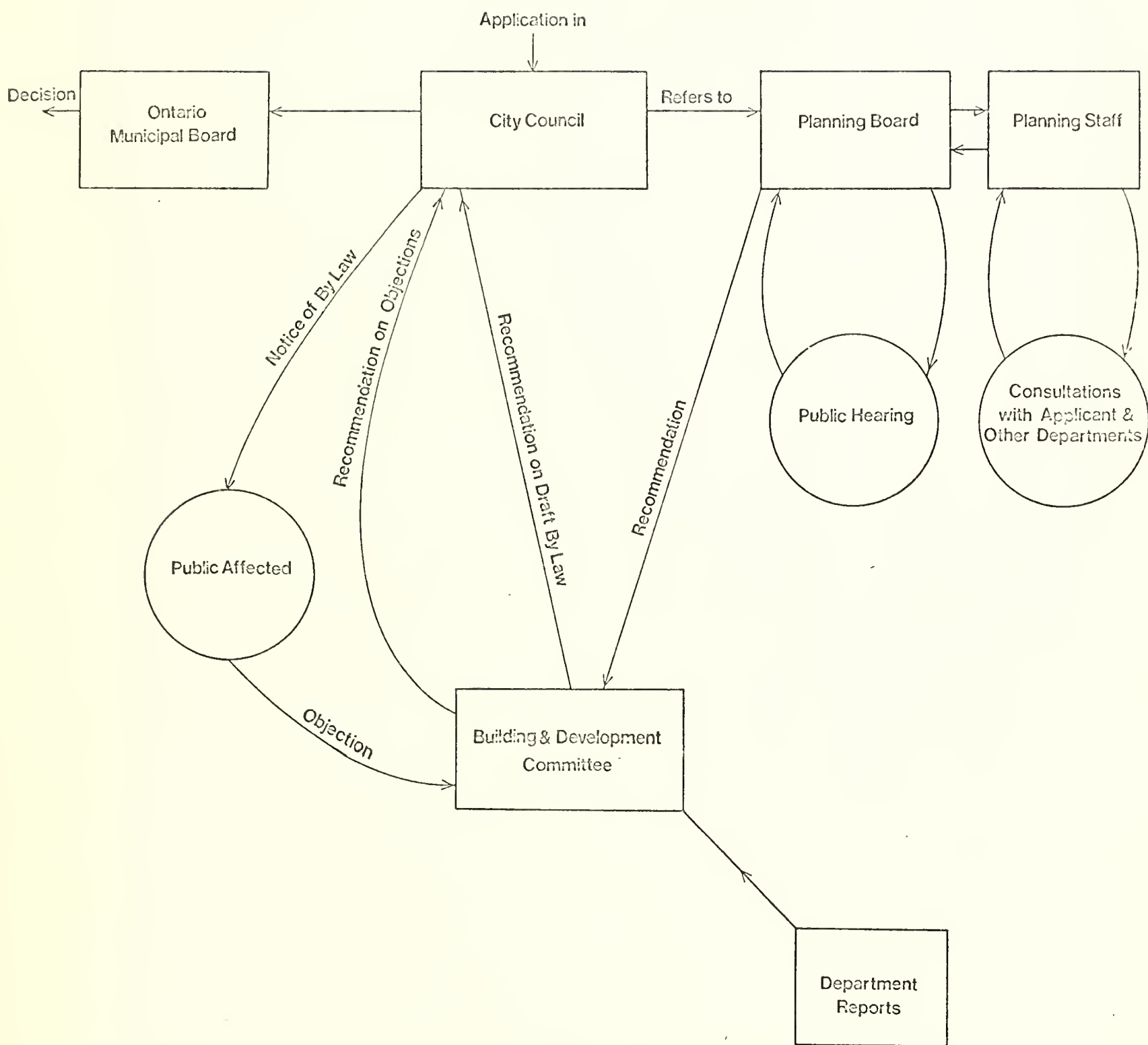
years, zoning (and with it much more of the municipal planning process) was consciously "sold" to the public as protection for property. This theme was central to every plea for public support for planning programs. (61)

In the rural areas the reception has been less enthusiastic. Agricultural zoning still encounters determined resistance from farm owners anxious to retain every opportunity to utilize or dispose of their land as they see fit. Where regulations have been passed, they are likely to consist only of minimum standards (floor areas, lot sizes, setbacks) for development wherever it might occur, rather than any limitations as to use.

In many rural areas, pits or quarries are a serious land use problem. Unfortunately the municipalities' control is only quantitative, being limited to the establishment of new pits or quarries (Section 35(1)6). It does not include qualitative controls which might be utilized to regulate the operation and rehabilitation of the excavation.

The Pits and Quarries Act passed in July 1971 therefore turned out to be something of a letdown. The Act requires that plans for rehabilitation be filed and approved before

(61) It may seem ludicrous now, but "do you want a glue factory next door to you?" was common platform rhetoric twenty years ago.



**Fig.12 THE PREPARATION OF A
DRAFT ZONING BYLAW**

new pits and quarries are approved, and that existing operations must do the same within a year. However, the administration of the Act will remain directly in the hands of the Department of Mines, and outside the mainstream of municipal planning approval.

Of perhaps greater disappointment is the fact that the Pits and Quarries Act is not to be applied immediately across the whole province. It is to be proclaimed only in specific areas, beginning with the Niagara Escarpment. No program for coverage of the rest of the province has been announced. As yet, this seems not to be widely comprehended.

Cottagers' associations have begun to flex enough political muscle to secure passage of zoning restrictions in some resort municipalities during the past decade, despite the concerted opposition of the permanent rural residents. Sometimes the process has ended in a compromise, with zones established along the lake margins, where the cottagers' concern is focussed, and only rural type minimum standards elsewhere, in deference to the opposing interest.

Zoning was devised to maintain the established character and to prevent intrusions by or conversions to uses deleterious to adjacent properties or to the community as a whole. When used for this original protective purpose, zoning bylaws are

reasonably effective. When applied in the predictable, established and stable environments for which zoning was intended, the precision of the bylaw is desirable, its lack of qualitative controls acceptable, and its inflexibility not a serious handicap.⁽⁶²⁾ The relatively cumbersome amendment procedure is not a hardship, since rapid and frequent change is not expected.

The trouble is, the use of zoning has not been confined to that purpose in those circumstances. In the absence of any other means, zoning has been pressed into service as a development control device, in areas where change is intended and encouraged.

All that makes zoning appropriate to protect stable areas make it most unsuitable to control development in changing areas. The lack of possible discretion in application, the rigidity, and the absence of qualitative content are important handicaps. Under Section 35, parking and loading spaces are the only facilities an applicant can be required to provide.

(62) Some flexibility is afforded by the Committee of Adjustment, in granting of variances, discussed below.

The game has therefore come to be played in such a way as to circumvent these difficulties. The zoning bylaw becomes simply a means of forcing some sort of approval process, during which the municipality has an opportunity to apply various qualitative controls, and to extract financial and servicing commitments⁽⁶³⁾ not otherwise obtainable from the applicant.

The technique is simple enough. An area intended for change in the Official Plan is merely left in an uneconomic category in the zoning bylaw. No development can proceed until the bylaw is amended. The resulting process, however, is anything but simple. Figure 13 illustrates the processing of a successful rezoning application in the City of Toronto. The reader might assume this is for a high rise apartment project say, near Yonge and St. Clair, in an area where a change to higher residential densities is contemplated in the Official Plan.⁽⁶⁴⁾ The present zoning is for lower residential densities, consistent with the existing use of the land. What

(63) Section 35 of The Planning Act does not empower conditions to be attached to zoning amendments, in the way conditions are attached to subdivision approvals. Nevertheless, for years almost all municipalities have used the zoning process to obtain service agreements, levies, widenings, park contributions, etc. Undoubtedly, someone will blow the whistle someday, and the Act will have to be amended to legalize future and past conditions, as it was for subdivision agreements in 1957.

(64) If the proposal does not conform, an application to amend the Official Plan would have to be dealt with first.

follows describes an application which proceeds fairly smoothly. Obviously, complications may arise at any point to delay or reroute the application temporarily. It should also be noted that, although this example illustrates the general sequence, the internal procedures are different to some degree in every municipality.

The application is made to City Council, and in practice (though not by law) is referred to Planning Board, where the staff and the applicant hammer out a scheme in conformity with the City's policies, and thought to be acceptable. The Planning Board then considers both written briefs (from the public) and interdepartmental reports, after which the application, further modified if thought advisable, goes back to Council via the Building and Development Committee. After further study and public representations, the proposal is sent from the Committee to Council in the form of a draft bylaw, tailored to the specific details of the project.⁽⁶⁵⁾ The bylaw is then considered and approved by Council.

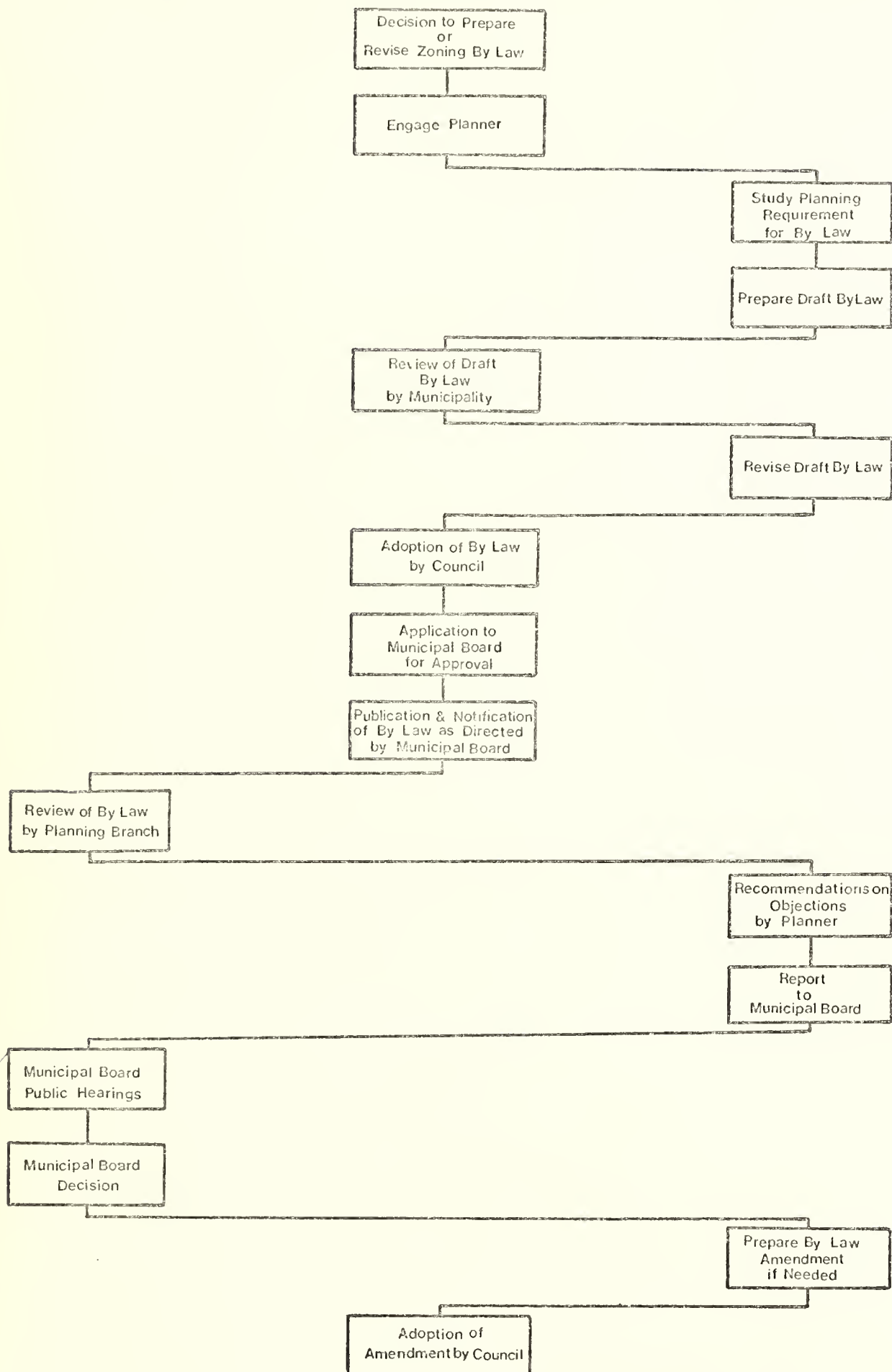
All persons affected (considered to be property owners within 400') are notified of Council's intent to apply to the Ontario Municipal Board for approval of the bylaw (Section 35(ii)) and

⁽⁶⁵⁾ A bylaw of this kind and in this form are sometimes called a "site plan bylaw" because it includes a map showing how the building is to be sited on the parcel of land.

STEPS BY THE PROVINCE

STEPS BY THE MUNICIPALITY

STEPS BY THE PLANNER



**Fig.13 THE PREPARATION &
ADOPTION OF A
ZONING BY LAW**

given a time (usually 14 days) in which to file objections to the bylaw with Council. Any objections received are considered by the Building and Development Committee, and any further changes deemed desirable are sent on to Council. (By this stage, any revisions must take the form of a further amendment to the bylaw). Council then forwards the bylaw to the O.M.B. with a report on the objections received, and its response thereto.

The Ontario Municipal Board holds a hearing, following which a decision is delivered. The Board may approve or reject the bylaw, or it may reserve its decision until a further amending bylaw is received eliminating any features the Board feels are undesirable.

Sub-Sections 35 (13) & (14) permit the Municipal Board to approve the bylaw without holding a hearing, if no objections were received to Council's public notice, or if the Board considers the objection(s) received to be insufficient to require a public hearing.

It appears to be not widely known that the great majority of zoning amendments are approved without an O.M.B. hearing since these subsections were introduced, because no objections are received to the notice.⁽⁶⁶⁾ This has improved the process measurably.

⁽⁶⁶⁾ But not because any objections received are deemed to be insufficient. The Board seldom, if ever, views an objection

In place of site plan type bylaws, many municipalities employ a combination of a zoning bylaw amendment and a site plan agreement. The former simply sets out the quantitative limitations to the new use in the usual way. The latter is a document registered on title, whereby the owner agrees not to apply for a building permit except in accordance with a site plan (which also shows entrances, exits, landscaping, etc.) approved by the municipality. Although in wide use for well over a decade, site plan agreements have never been recognized by The Planning Act. It is therefore fortunate that their validity has never been tested, especially in a circumstance where the agreement was obtained by the municipality as a condition of bylaw approval, a practice which also lacks authorization under The Planning Act.

Although the years have shown that zoning can be made to work as a development control mechanism, it is evident that some other technique should have been made available. The results for zoning as a process have not been happy.

as inconsequential. Thus the 14 days' notice is a period of considerable anguish for the applicant. It only takes a couple of lines and an 8¢ stamp to cause a 3 to 4 month delay before a hearing date can be reached in the Board's crowded calendar. It is frequently the case that, when the hearing day finally draws, the objector doesn't even bother to show up. There are no sanctions against such frivolous conduct.

The first problem is that the general public has never understood, or even been aware that zoning is used in two completely different ways. Familiar enough with zoning in its usual protective role, the average property owner is unlikely to comprehend that it might have an alternative purpose in the same municipality, indeed, on the opposite side of his street. Even if he did, there is nothing in a zoning bylaw which would tell him where the purpose is land use protection, and where the bylaw is being used for development control.

The Official Plan should tell him, but the Official Plan is a separate document which may have been passed many years earlier under different circumstances. As has been noted above (chapter 1.3.1.a) even long-time residents are unlikely to be aware of the Official Plan, or comprehend its significance.

For the average citizen, it is difficult to understand how R2 zoning means nothing but single family homes on his property, but less than a block away, R2 is simply a provisional zoning which Council has long intended to change the moment an acceptable apartment project is proposed. To many neighbourhood groups, it appears that rezonings are likely to occur anywhere at any time, and that any successful rezoning is only "the thin edge of the wedge", portentous of imminent and indiscriminate redevelopment throughout the whole community.

This view is reinforced by other events which occur from time to time. Municipalities sometimes seek to amend the Official Plan, thus extending the boundaries of the area designated for changes. Often the area of change is designated by a blob on a map in such a way that the boundaries are difficult to determine. The precise limits are only threshed out during the zoning process.⁽⁶⁷⁾ Finally, anyone is at liberty to submit an application at any time for an amendment to a zoning bylaw. Even though the application may be ignored or summarily dismissed by the municipality, a determined applicant can appeal to the Ontario Municipal Board under Subsection 35(22). A hearing must be held, even though the application may conflict with the Official Plan, or contravene numerous municipal policies, standards or regulations. As such, the application will bear little chance of success on appeal, but the affected property owners might not know that, and believe they are in serious jeopardy.

A second problem resulting from the use of zoning for development control derives from the necessity of bargaining quantitative controls to achieve qualitative objectives not otherwise obtainable. Typically, this entails the practice of granting bonus densities during the amendment process in

⁽⁶⁷⁾ Hillsdale-Soudan, and Aura Lee, both in the City of Toronto were classic struggles to nail down the limits of high density development imperfectly defined in the City's District Plans.

return for certain design features in the new residential development proposed.

The City of Toronto pioneered density bonusing, and its system remains the most sophisticated. Currently under consideration, a new revised policy proposes bonuses for such features as more landscaped open space, providing family type accommodation, more complete land assemblies, larger site areas, space for public use, and good building design. By qualifying for all of these, a project in a 2.5 fsi zone (i.e. approx. 110-120 suites/acre) might be permitted a 3.2 fsi (140-150 suites/acre). (68)

Physically, the resultant project may be more pleasing when judged by the values which inspired the bonus weighting. However, the energetic pursuit of bonuses will undoubtedly

(68) Floor space index (fsi) is the ratio of permitted floor space to lot area. Thus a 2.5 fsi project would be permitted $2.5 \times 43,560$ or 108,900 sq. ft. of floor space for every one acre of lot area. Where the average suite size is between 900 and 1000 sq. ft. (gross) this equates to about 110-120 suites/acre. At an average of 2 persons per suite, the population density would be in the order of 220-240 persons/acre. Similarly a 3.2 fsi would produce about 280-300 persons/acre.

In suburban municipalities, where most apartments are built on vacant land, bonuses are used as economic incentives for private redevelopment where such is desired by the municipality. Starting from a lower base, the bonuses are proportionately much greater, in North York, for example an fsi of 2.0 might be obtained for redevelopment vs. a standard apartment fsi of 1.5. In Mississauga, the figures are 1.5 and 1.0 respectively.

yield buildings substantially larger than envisioned by the bylaw, and with proportionately greater impact on the public services and facilities available in the community. For those who do not share the values behind the bonus system, confidence in the zoning bylaw is further weakened.

In retrospect, one of the major misfortunes of the past twenty years of planning in Ontario has been the use of zoning for development control. Wholly inadequate for the purpose, it has proven to be at best a cumbersome and confusing means of accomplishing what could have been much more readily achieved using say, the British or the Alberta development control systems which have been known for many years. (69)

Most important, the use of zoning for development control has seriously undermined public confidence in zoning for its traditional land use protection purpose. From that stems much of the contemporary disenchantment with the planning process as a whole.

(69) In recent years, a number of Ontario cities have sought private bills enabling the exercise of development controls (e.g. London, Kingston, Niagara Falls). It is understood that these have been withdrawn pending completion of the Ontario Law Reform Commission studies alluded to in the introductory pages of this Review.

It must be acknowledged of course, that a great deal of dissatisfaction stems from the actual land use decisions, not the means employed in the process. If a high rise project proved to be unpopular, it would have been so whether processed as a zoning amendment or under some other system. However, it is not too much to speculate that, had the integrity of zoning been preserved in the original land use protection role for which it had been so vigourously 'sold' in the first place, a great deal of the fear and misunderstanding that now attends public participation in the planning process might have been averted.

It was noted earlier that the Minister stands apart from all of the above. Upon reflection it might be concluded that he is not aloof, merely wise.

(ii) Variances

Committees of Adjustment were originally established to rule on applications for minor variances to zoning bylaws (Subsection 42(1)), for enlargements and extensions to non-conforming buildings (42(2)(a)(i)), conversions of non-conforming uses and buildings to other non-conforming purposes (42(2)(a)(ii)) and to interpret general clauses in bylaws (42(2)(b)).

The existence of this sound legislation really made it practical to apply comprehensive zoning regulations to the existing fabric of uses and buildings. In the performance of these functions, Committees of Adjustment have worked well, and remarkably few decisions are appealed.

Section 41 of the Act, which sets out the composition of Committees, specifically excludes members of municipal councils. There is no evidence that many, or even any, council members have ever wanted to sit on Committees of Adjustment, but neither is there any apparent reason why they should not be permitted to do so.

(iii) Building Bylaws

Since 1960, authority to pass municipal building bylaws has been vested in The Planning Act ~~(now Section 30)~~ but the presence of that Section in the Act remains somewhat anomalous. Even before that date, the drafting and administration of building bylaws were not a part of the municipal planning process, and succeeding years have not altered the circumstances, or revealed any need to.

For building bylaws, the lack of uniform standards between municipalities, especially those in the same marketing area, and the difficulties in securing approvals for the use of new materials, have long been principal targets of criticism

from the building industry, and the arguments and consequents need not be reiterated in this review of municipal planning.

1.3.1.d Urban Renewal

The phrase "urban renewal" in its broadest sense refers to improvement programs involving activities in both the public and private sectors designed to upgrade the urban environment by reversing the flow of human and social capital in those areas exhibiting deterioration in physical, social or economic terms. With respect to the public sector in particular it is a program to create or maintain conditions that are attractive to human and financial investment.

It has long been recognized that any sound comprehensive planning program for an urban area must involve provision for ongoing renewal activities along with the many other components normally included in such programs to guide and ensure orderly development and to enhance the quality of urban life. Such programs normally consist of three basic types of activity:

- (a) conservation which is intended to prevent the deterioration in sound areas of a community through effective municipal housekeeping and stringent enforcement of zoning, maintenance and occupancy regulations,
- (b) rehabilitation which involves the repair and raising of standards of basically sound areas in which there is evidence of decline, deterioration or deficiencies limited in nature and extent, and

- (c) redevelopment which involves the acquisition, clearance and reuse of areas of such deteriorated condition, inappropriate use, or deficiency in public facilities, services or utilities that other forms of remedial measures would be completely inappropriate or economically unviable.

(i) Legislative Authority: A Retrospective Review

The Planning Act as originally drafted in 1946 made no specific mention of urban renewal but did include provision in Sections 15 and 18 for municipalities to acquire, clear and grade land for the purpose of implementing the features of an official plan. While there is limited evidence to indicate that some municipalities utilized the provisions of Section 15 to acquire land for industrial parks or sites for public buildings, there is almost no evidence to indicate that these provisions were utilized as a means of achieving urban renewal objectives.

Municipalities were empowered by the Housing Development Act of 1948 to participate in the financing and construction of joint housing projects in collaboration with the Province of Ontario and the Government of Canada. This Act enabled municipalities to become involved in "building developments" which included ...

"... a plan for the redevelopment of land devoted to urban uses designed to increase and improve the housing accommodation thereon."

Despite this reference to redevelopment, the provisions of that Act were used primarily for the construction of joint housing projects on vacant parcels of land and they were not utilized to any great degree to achieve broader urban renewal objectives.

Amendments to the Planning Act in 1952, 1953, and 1954 directed the attention of municipalities to urban renewal by the introduction of what is now Section 22. Briefly, this section authorized Councils to:

- (a) designate an area within the municipality as a redevelopment area,
- (b) acquire, hold, clear, grade or otherwise prepare land for redevelopment within a redevelopment area,
- (c) adopt a redevelopment plan for the redevelopment area,
- (d) implement the redevelopment plan by a variety of improvements to buildings within the redevelopment area in conformity with the redevelopment plan as well as the sale or lease of buildings or lands therein.

While these provisions were intended to achieve more widespread urban renewal objectives, the choice of wording which placed the emphasis on redevelopment attached little importance to conservation or rehabilitation measures.

Provincial financial contributions up to that time were available only for the construction of joint housing projects under the provisions of the Housing Development Act mentioned previously and federal financial assistance under the provisions of Part III of the National Housing Act was available for renewal in an amount not exceeding 50% of the cost where - "a substantial part of the area at the time of acquisition was, or after redevelopment will be, used for residential purposes."

Thus urban renewal was seen at that time as having the social objective of removing substandard housing and replacing it with joint housing projects. Perhaps one of the earliest examples of that approach was the Regent Park South project in Toronto.

In 1960, the Planning Act was further amended by the addition of Sections 21 and 22 which gave municipal councils authority to carry out studies of physical conditions in the municipalities, and to enter into agreements with the Minister for financial assistance in redevelopment projects.

The first section enabled municipalities to take full advantage of the provisions of Section 33(1)(h) of Part V of the National Housing Act, which enabled the Central Mortgage and Housing Corporation to:

"make arrangements with a Province or a municipality, with the approval of the government of the Province, to conduct special studies relating to the condition of urban areas, to means of improving housing, to the need for additional housing or for urban redevelopment."

With that revision of the National Housing Act, funds were made available from the Federal Government through C.M.H.C. to pay for 75% of the cost of urban renewal studies embracing an entire municipality or 50% of the cost of such studies embracing only a part of a municipality. As a result, several municipalities initiated urban renewal studies as a prelude to determining the nature of a municipality-wide urban renewal program that should be undertaken. These included Kingston, Niagara Falls, Cornwall, and the Lakehead municipalities.

Perhaps of more direct interest to Ontario municipalities were the implications of Section 22 which were accompanied by cost sharing by the Provincial Government similar to that available from the Federal Government. This was still limited to redevelopment areas having a substantial housing content either before or after redevelopment. This stimulated further

municipal response and several projects were undertaken to take advantage of the Federal and Provincial funds available such as Bluewater in Sarnia, Moss Park in Toronto, Van Wagner and Crescent Beach in Hamilton, and Rideau Heights in Kingston.

Amendments to the Housing Development Act in 1960 also broadened the powers of municipalities with respect to their participation in the construction of housing projects by enabling them to acquire, hold, sell, lease or otherwise dispose of land as well as to clear, grade or otherwise prepare land for the purpose of housing projects.

That authority and emphasis on housing projects together with the condition of the federal and the provincial governments to contribute to renewal programs for areas embodying substantial housing contents, served only to reinforce the impression that urban renewal and slum clearance were synonymous.

The Province was not in a position to "put its money where its mouth was" until 1964. On June 18, 1964, Section 23 of Part III of the National Housing Act was amended to provide for federal involvement in sharing up to 50% of the costs of preparing and implementing urban renewal schemes for blighted or substandard areas of municipalities without any reference to the condition that such areas include a substantial housing component either before or after redevelopment.

The Government of the Province of Ontario, which had also been evaluating the need for modifications in its approach to urban renewal, was quick to respond to the initiative of the Federal Government. On July 16, 1964, the Honourable J. W. Spooner, Minister of Municipal Affairs, announced a new program of increased financial aid to assist Ontario municipalities in fighting urban blight. Under this program the Province made available contributions equivalent to 25% of the cost of preparing and implementing an urban renewal scheme. It also introduced for the first time into its legislation provisions for municipalities to take positive action in the spheres of conservation and rehabilitation by empowering them to pass bylaws setting out standards of maintenance and occupancy and to establish a housing standards committee for the hearing of appeals by persons required to undertake remedial measures pursuant to those bylaws. Urban renewal programs undertaken with federal and provincial assistance therefore consisted of three distinct phases consisting of urban renewal studies, urban renewal schemes and urban renewal projects as are graphically illustrated in Figure 14.

With the passing of the 1964 legislation, the flood gates opened and from then until the withdrawal of federal and provincial cost sharing in October 1968, Ontario municipalities entered into the preparation of urban renewal studies and schemes as though they were "going out of style". For the

	PHASE 1	PHASE 2	PHASE 3
Type of Programme	URBAN RENEWAL STUDY	URBAN RENEWAL SCHEME	URBAN RENEWAL PROJECT
Purpose	Determine nature and extent of deterioration on a municipality-wide basis and identify Problem Areas requiring further more detailed and intensive examination	Examination of a Problem Area and preparation of a detailed plan and programme for its renewal	Implementation of the proposals for all or part of an area for which an urban renewal scheme had been prepared
Cost sharing			
Municipal	25%	25%	25%
Provincial		25%	25%
Federal	75%	50%	50%
			of stipulated costs and recoveries with municipality bearing 100% of all other costs

Fig.14 THREE PHASES OF URBAN RENEWAL PROGRAMMES

first time, smaller Ontario municipalities could take advantage of the funds available because in most instances their central business districts constituted the only areas requiring concentrated renewal activity that could be appropriately instituted on a project basis. This shift in attention from residential areas to Central Business Districts altered the objective of most renewal programs from that of social benefit in terms of improved housing to economic benefit in terms of the replacements of physically deteriorated and functionally obsolescent sectors of the urban environment by an urban fabric more in keeping with contemporary requirements and standards and capable of yielding handsome economic returns.

Whereas 15 urban renewal studies had been undertaken prior to the 1964 amendments, thereafter an additional 34 were completed in the Province as a prelude to enabling municipalities to prepare and implement urban renewal schemes. Similarly, prior to 1964, only 7 urban renewal projects had been approved. After 1964, 32 urban renewal schemes were authorized for preparation resulting in 9 projects obtaining approval prior to the withdrawal of federal and provincial funds, 7 projects for which application had been made for approval at the time of the withdrawal of the funds and an additional 4 which were being readied for application at that time.

The Provincial and Federal Governments recognized that the initiative for taking advantage of their cost sharing programs rested with the local municipalities. The Provincial Government, through the Redevelopment Section of the Community Planning Branch, provided every assistance possible and in 1966 it published detailed guides for the preparation and implementation of urban renewal studies and schemes. These manuals represent the clearest statement of government policy in support of any aspect of the Planning Act that have been produced to date.⁽⁷⁰⁾ Their only shortcoming was a failure in the urban renewal scheme manuals to differentiate adequately between the essential components for schemes dealing with residential areas as opposed to those dealing with central business districts or non-residential areas.

⁽⁷⁰⁾ It should be noted that the Redevelopment Section of the Community Planning Branch has probably made far greater use of guides and manuals than most other sections. In 1961, shortly after its formation, it published a document entitled "Urban Renewal Notes" that strongly advocated the inclusion of urban renewal as an integral part of a municipality's long range planning program and stressed a three phase approach to comprehensive renewal involving conservation, rehabilitation, and redevelopment. This document clarified the provisions of the Planning Act in respect of renewal, indicated the assistance that was available from the Redevelopment Section and outlined the sources of financial assistance available.

Following the withdrawal of financial support from the Federal Government and in expectation of a revised program being formulated shortly thereafter, the Province suspended its financial support as well. Shortly thereafter the Community Planning Branch retained Mr. Homer Borland to undertake a review of the administrative procedures associated with the urban renewal program and to recommend improvements. Mr. Borland's report entitled "Here Today ... Here Tomorrow - A Review of Urban Renewal Procedures in Ontario" was submitted in November 1970 and there has been no further provincial initiative in the sphere of urban renewal since that time.

(ii) Evaluation

Despite its short duration, the period of active provincial involvement in urban renewal programs must be regarded to be a signal accomplishment in terms of the way in which the program was administered and the actual results that were achieved in the limited number of municipalities that were able to benefit from the program before its abrupt termination at the end of 1968.⁽⁷¹⁾ This program, perhaps for the

⁽⁷¹⁾ Those Ontario municipalities in which urban renewal schemes proceeded to the implementation state are as follows: Toronto, Hamilton, Sarnia, Kingston, Sault Ste. Marie, Sudbury, Port Arthur, Ottawa, London, Kitchener, Niagara Falls, Cornwall, Mountjoy Township, and Windsor.

first time, allowed municipalities to take the initiative, shaping their development by action programs instead of awaiting initiatives of private developers and then responding to them.

Any discussion of urban renewal with persons who were or are still actively involved invariably leads to comment on the administrative procedures. Because of the heavy financial commitment by the Provincial and Federal Governments, they became actively involved through the operations of joint coordinating committees. There was a tendency for the operations of these committees to be very cumbersome and time consuming and to become involved with levels of detail that should rightfully have been left entirely to the municipality. In fairness to all concerned, it must be recognized that in most instances the personnel involved at all three levels were groping to find procedures that could simplify the approach to what is undoubtedly one of the most complex planning undertakings. The Provincial and Federal Governments for their part were able to bring to bear a breadth of experience to each municipality so that each could in some way benefit from what had happened elsewhere.

During the course of the proceedings of the Coordinating Committees involved with the various renewal studies and schemes, operational improvements were effected and in the larger municipalities with sophisticated staff and other resources far more independence was achieved. It is now generally agreed that the Committee approach is not essential to the success of the administration of cost - shared renewal programs provided that suitable means can be evolved for maintaining control over expenditures and the reporting of progress of the work being undertaken.

Perhaps the most serious criticism of the Province is that it has almost invariably awaited direction of the Federal Government in the sphere of urban renewal before initiating any action. It has rarely acted unilaterally in initiating any legislation or program but has always done so in response to initiatives taken first by the Federal Government primarily in the form of amendments to the National Housing Act.

Despite the condition of the approval of urban renewal studies and schemes being contingent upon their conformity with official plans, the urban renewal program during its active years made little contribution to the performance of municipalities in completing their official plans where these were not available in order that they could benefit from the financial assistance of the senior levels of government. What the program did achieve, however, was the

inclusion in many official plans for the first time of provisions pertaining to the older built-up sectors of the municipality as opposed to the earlier concentration of attention to the newly developing suburban areas.

Perhaps one of the most frequently voiced concerns has been the concentration of attention on redevelopment activities as opposed to more widespread programs of conservation and rehabilitation. It must be noted, however, that since 1964, 8 of the 15 projects approved for implementation did include substantial areas for rehabilitation. The others dealt almost exclusively with central business districts where demolition and rebuilding was undoubtedly the most appropriate form of remedial action in light of the physical and functional deterioration and obsolescence which prevailed.

On economic grounds most municipalities, embarking on their first major urban renewal activity, selected the central business district where the economic and physical benefits would accrue to the community as a whole.

Rehabilitation programs, by comparison, would yield benefits to a much more limited sector of the community with lesser financial return to the municipality as a whole in relation to the expenditures involved, which, in terms of public funds, were frequently substantially the same if not greater than the expenditures necessary in the central business district. Thus

the city-wide interest to achieve the greatest results per dollar invested always overrode local objectives to restore blighted neighbourhoods. In all fairness to the smaller Ontario municipalities, it must be pointed out that the central business district was frequently the oldest and most obsolescent part of the community which could be improved by a program prepared on a project basis in keeping with the approach fostered by the Federal and Provincial Governments.

One can conjecture that, had the program lasted for a longer period of time, attention would have been focused on other sectors of these municipalities with rehabilitation undertakings, for example, receiving the attention they deserve.

Another inhibiting factor to the more widespread use of rehabilitation was the project approach to achieving comprehensive renewal for clearly defined "redevelopment areas" in keeping with the provisions of Section 20 of The Planning Act. In Stratford, for example, the urban renewal study of the entire City revealed no clearly defined areas for which projects should be undertaken. Instead, it demonstrated a sprinkling of residential and non-residential structures requiring rehabilitation but there was no provision for federal or provincial cost sharing for a program of rehabilitation of buildings scattered across the entire municipality. Thus the stringent requirements of the Act requiring the

delineation of a clearly defined redevelopment area precluded the possibility of municipalities like Stratford from upgrading their urban fabric by programs extending over their entire breadth. This "project approach" limited the ability of municipalities to take advantage of the provisions of Section 30(b) of The Planning Act which enabled them to make loans to cover the cost of repairs at interest rates determined by the Council - meaning that they could be very low or even non-existent. If it had been possible for Councils to extend their financial assistance for rehabilitation efforts throughout their municipalities, the results could have been startling.

The biggest impediment to more widespread rehabilitation activity, however, was the optimistic notion that widespread improvements could be achieved by the application of maintenance and occupancy bylaws. While the enforcement of zoning bylaws and other development controls can contribute significantly to conservation programs by preventing the intrusion of incompatible uses, the same approach is less valid as a means of upgrading private property that has begun to exhibit deterioration.

The achievement of improvements through bylaw enforcement can only be successful where there are flagrant violations of minimum acceptable standards. It is clear that more

widespread improvement programs designed to upgrade the standard of private property can only be successful where the need for, and desirability of, improvements is recognized by the individual owners themselves who are then encouraged and assisted in their efforts by the municipal bureaucracy. (72)

Urban renewal, perhaps more than any other program of a municipality, impinges most directly on the persons in the areas in which the programs are to be implemented. It was for that reason that great emphasis was placed by the Provincial Government on citizen participation and involvement in the preparation of urban renewal schemes. The requirement that "redevelopment plans" be subject to the approval of the Ontario Municipal Board ensured a very positive mechanism for public involvement. The nature and extent of public participation was determined by and large by the importance attached to this activity by the local municipality as well as by the particulars of the specific areas for which the schemes were being prepared. The experience varied widely.

(72) It must be noted that the inadequacies of the framework within which urban renewal is being undertaken in Ontario with respect to rehabilitation were recognized by the Provincial Government and Mr. Matthew B. M. Lawson was retained to prepare a special report on that subject. His report entitled "The Maintenance of Property - A Program for Ontario" was submitted in July 1970 and recommended a modified approach relying heavily on encouragement, advice and assistance with bylaw enforcement only as a last resort.

In Trefann Court in Toronto, opposition to the original scheme prepared in 1966 was so extensive that it was scrapped and totally new procedures were developed for evolving a plan in close consultation with the people involved in the area. There, a Working Committee was established to prepare the plan which was subsequently processed through the Urban Renewal Committee to the Executive Committee and finally the City Council.

The Working Committee consisted of representatives of the home owners, tenants and businessmen in the area as well as the two ward Aldermen. It also had a secretary, two development officers from the Development Department and one planner which it selected. It also had access as necessary to all city hall staff and all of the planning costs were underwritten by the City.

This Committee commenced its work in the spring of 1970 and its efforts were culminated by the approval of the Trefann Court Renewal Plan by the Council of the City of Toronto on March 16, 1972.

The preparation of the Trefann Court Urban Renewal Scheme, in the manner mentioned above, was of considerable importance to the municipal planning process. It forced the recognition by all three levels of government that, apart from central business districts, the preparation of an urban renewal

scheme for a residential area is not a problem of city-wide significance but is one primarily of local concern and must be approached as such with maximum provision for local involvement from the earliest stages. This is an area that is, strictly speaking, a matter of local concern and the role that the Province can most reasonably be expected to play would be to provide guidance, encouragement, advice and assistance. Additional legislative requirements would unlikely have much effect.

Whether federal and provincial funding is forthcoming in the future for urban renewal or not, the procedures established in Trefann Court may well provide a significant approach for more widespread use throughout municipalities in the Province interested in undertaking urban renewal programs on their own initiative.

There was provision in the Federal and Provincial legislation concerning the preparation and implementation of urban renewal schemes for looking into social conditions existing prior to renewal and employing appropriately qualified personnel to minimize the social impacts resulting from redevelopment proposals. There was, however, no provision for cost sharing in the construction or operation of necessary facilities to rectify deficiencies or satisfy identified needs. This meant that costs of such facilities as recreational centres or day nurseries had to be borne by the local

municipality whose financial capabilities in most instances were already overtaxed. Invariably these facilities, therefore, rarely materialized. This is another inadequacy of the program that could only emerge during its implementation and is one that might have been rectified if federal and provincial involvement in urban renewal had been sustained over a longer time period. It is quite evident in any event that any re-entry of the Provincial Government into urban renewal should provide for its active participation in this most important sphere.

In that regard Trefann Court was of significance also in that it did include provision for the construction of a community centre and the hiring of two community workers.

Notwithstanding the comments included herein, it must be said that in the limited life of active urban renewal programs in Ontario a substantial contribution was made to the improvement of the urban environment in those municipalities where initiatives were taken. That success was due in no small measure to the guidance and assistance provided by the Province. This was an excellent example of what could be achieved by municipalities acting on their own initiative within the framework of clearly enunciated policy guidelines from the Province.

Quite outstanding results were achieved where nothing like the changes would likely have been possible without the guidance and assistance that was available.

A few of the dramatic transformations which come to mind include: the Civic Square area in Hamilton; the Borgia area in Sudbury; Alexandra Park in Toronto; the Preston Street area in Ottawa; the stage I and II areas in Windsor; and the Central Business District in Port Arthur.

One can only conjecture what additional improvements might have come about had the program not been so short lived and its demise not been so sudden.

1.3.1.e Public Works

Section 19(1) of the Planning Act provides that, where an Official Plan is in effect, no public work shall be undertaken that does not conform to the Plan. In this regard, it is important to recognize that under the Act "public work" means only those improvements which fall within the jurisdiction of a municipal council or a local board.

(Section 1(j)). It is patent however, that public works by any level of government can be important for the municipal planning process. Accordingly, the implications of both local and senior level public works will be examined in this Review.

(i) Local

Local authorities learned very early that the rate and the sequence of development and redevelopment could be very effectively regulated by the timing of construction of public works of various kinds. Some, but by no means all, of the urban municipalities have included staging plans based on services as parts of their Official Plans.⁽⁷³⁾ Trunk

(73) Scarborough was the first municipality to formalize the staging of its development in an Official Plan. Subdivision agreements, fully serviced subdivisions, levies, secondary plans, site plan agreements and community-type zoning are other municipal planning practices initiated in that municipality and now in wide use throughout the province.

sanitary sewers are almost invariably selected as the critical utility for determining the stages since their extension requires a certain logical sequence.

Although exceptions can be demonstrated easily, it is evident that a generally high degree of coordination exists between the planning process and the provision of public works at the municipal level. It must be acknowledged that this coordination probably results less from Section 19 than it does from the everyday working relationships built up by the municipal planning staffs and their opposite professional numbers in engineering, school administration, parks conservation, etc.

From the start, coordination was especially good in the provision of utilities (sewer, water, hydro) and improved somewhat later with respect to roads when the relationship between traffic and land use came to be better understood. Regrettably, in terms of transit outside Metropolitan Toronto, the record remains spotty at best.

It has been observed that Section 33(5) of The Planning Act guarantees the provision of some parkland but it does not ensure improvement of the land for recreational pursuits, and expenditures for this purpose usually lag. Section 35(1)3 permits the passage of zoning bylaws to prohibit building on land subject to flooding, or on rocky, low-lying, marshy or unsuitable land too expensive to service. When applied in

concert with fill regulating powers granted to some conservation authorities, effective means are available to preserve valleys and scenic areas for greenbelt purposes.

With respect to schools, the pattern is uneven and is probably not improving. When school boards were local, coordination with municipal planning was more readily achieved than is evident now with the county and regional boards of education.⁽⁷⁴⁾ Where coordination is good (i.e. Mississauga and the Peel Board of Education) it is usually based on personal relationships dating from earlier days. In time, of course, staff turnover will sever those remaining links.

School administrators frequently ignore Section 19 even if they are aware of it. When the Metropolitan Separate School Board expropriated a parcel beside Etobicoke's East Mall in 1968, the Borough Planning Director wrote pointing out the

⁽⁷⁴⁾ For example, soon after it was established, the Simcoe County Board of Education abandoned a school site which the Town of Bradford had been carefully preserving for many years in accordance with its Official Plan. In Ajax, the Southwood School was substantially overbuilt in terms of the future school population in the neighbourhood, although the estimates for enrolment had been known to the Town for several years. In Blackburn, near Ottawa, the public school authorities laid claim to a site that had been earmarked for a separate school, which consequently had to be located elsewhere. Then the public school board changed its mind, and selected a third site (right beside that selected by the separate school board as second choice). Now the developer is left with the first site which neither school board can use.

conflict with the municipality's Official Plan wherein the site was designated for public park purposes. The School Board was unmoved.

As a result, school construction presents the only real problem for coordinating planning and public works at the municipal level, but it is serious. The situation could be remedied easily by ministerial notice that boards of education are indeed 'local boards' for the purposes of Section 19 of The Planning Act.

(ii) Senior Levels

If local works offer few difficulties, the opposite is true for most of the works constructed by provincial or federal agencies. Clearly beyond the reach of Section 19, projects by senior governments are usually disruptive by nature, but seldom is any attempt made at coordination with municipal agencies.

Among the significant exceptions are the H.E.P.C. (beginning to show concern in the routing of its transmission lines), the Ontario Housing Corporation (exemplified by its scrupulous observance of municipal policies and regulations at Malvern), and the Department of Transportation and Communications.

Highway construction is synonymous with the bulldozer, so that few may suspect the care exercised by the latter department (and of its predecessor, the D.H.O.) in coordinating its projects with municipal planning.⁽⁷⁵⁾ Undoubtedly this arises from the Department's very early appreciation of the interdependence between roads and land use.

Studies for the new interchange locations on the Highway 401 widening east from Toronto, the routing of Highway 406 through the Peninsula, Highway 417 from Ottawa, and Highway 17 through Kenora, are recent examples of intensive and coordinated municipal and provincial effort although designs are still based on provincial engineering requirements rather than local considerations. The J.T.P.C.C. is a joint Metro-D.T.C. Committee set up in the aftermath of Spadina, and charged with formulating new and coordinated proposals and policies for roads and transit in the Toronto Metropolitan Area. All of the new generation of transportation studies (e.g. Windsor, London, North Bay) include significant content on municipal goals and community structure.

(75) Everyone's favourite example is the construction of the Queen Elizabeth Way below rather than above the Niagara Escarpment during the late 'thirties. In that innocent day, the primary determinant was the existing bridge over the Welland Canal at Homer (long since replaced by the Garden City Skyway). It was not until post-war urbanization scattered along the route that the disastrous effects of the highway on the fruitlands were recognized.

In contrast, it is difficult to recall any Ontario Hospital, or reform institution (built mainly during the 'fifties) or any of the new universities or community colleges (which proliferated during the 'sixties) which were located with notable regard for municipal land use plans. The Regional Municipality of York is plugging away on its Official Plan (against a 1974 deadline) without knowing when the O.W.R.C. will build the Central York Trunk Sanitary Sewer, or where. Downstream, the Commission is studying the possibility of locating the treatment works at the mouth of Petticoat Creek. In the meantime, the M.T.R.C.A. is completing detailed development plans for a major lakefront recreation complex on the same site in accordance with the 1968 Metro Waterfront Plan.

The OAPAD Study⁽⁷⁶⁾ covering the southern parts of Ontario and Durham Counties was one of the most comprehensive joint municipal-provincial planning studies ever undertaken. Funded at about \$750,000, the project was terminated just past the mid-point ostensibly for lack of local response. It was just as well. Most of the work that had been done

(76) Oshawa Area Planning and Development Study, financed by the Department of Municipal Affairs, and supervised by a provincial-municipal task force chaired by D.G. Newman.

went down the drain when the new Toronto Airport, and the Cedarwood Community (population 200,000) were announced.

At this writing, Scarborough is busily engaged in preparing Secondary Plans for its Highland Creek and Rouge Communities, apparently oblivious to the fact that at least one provincial plan routes the East Metro Freeway right through both communities on its way to Cedarwood and the Airport. (77)

The planning boards for Bruce and Grey Counties are threatening to resign if land purchase plans for provincial parks along the Escarpment by the Department of Lands and Forests are not made known to them.

Subsequent chapters will discuss the provincial planning process, and its importance in providing guidelines as to future provincial works. These will not necessarily cover federal works, which will remain a similar, but perhaps less frequent cause of uncertainty in the municipal planning process.

Veteran's Land Act subdivisions have left a legacy of problems for municipalities. Registered mostly in the years immediately following World War II, the majority of the VLA

(77) So secret were the airport studies that not even the J.T.P.C.C. was kept informed. Committee members saw the expressway proposals in the newspapers.

subdivisions in Ontario were located in premature places, unrelated to community facilities, and difficult to furnish with urban services. (78)

After almost a century of relatively fixed existence, and two decades of very rapid change in economic patterns, transportation technology and land values, it is safe to predict that rail relocation studies will be increasingly frequent. For land use and transportation in the municipalities affected, the results are potentially revolutionary. Hopefully, the rail relocation studies recently initiated in Thunder Bay and North Bay are portentous of a close federal-municipal cooperation in this field.

In Welland, an abiding concern for railway grades and costs in the initial planning for the relocation of the Welland Canal around the city has led to a whole series of decisions and events which have the municipality and the St. Lawrence Seaway Authority at loggerheads. To avoid interruptions on the new canal, it was sensibly decided to run trains through tunnels rather than across bridges. In order to maintain acceptable grades on the Penn-Central tunnel, the St. Lawrence

(78) Evidently they are still at it. In 1970, a V.L.A. subdivision was registered in Ballantrae, of all places, some 5 miles north of Stouffville. It is safe to assert that no private development proposal at that location would have received a moment's consideration.

Seaway Authority has planned a rail crossing of the old canal which impedes the natural flow of water in that channel through the centre of the City. Only later was thought given to maintaining water quality in the southern and central reaches of the old canal. Currently, the City is adamant that flow be maintained, while the Authority insists that chemical treatment of the water will suffice. If the new Ministry of Urban Affairs is to have any role in easing the impact of federal projects on municipalities, it has not yet been evident in the case of the Welland Canal relocation.

From the examples cited, it will be clear that the degree of coordination in planning and public works, which is usual at the municipal level, is not likely to be attained where provincial and federal projects are involved if the present circumstances continue. The recent selection of the Toronto Airport site perhaps illustrates the problem best. Although citizen participation in the process was a stated federal intention, the actual selection was so secret that not even the citizens' municipal representatives knew.⁽⁷⁹⁾ Fear of land speculation is the justification advanced for the secrecy.

⁽⁷⁹⁾ The Reeve of Pickering, the Metro Chairman and Planning Commissioner received a telephone invitation to the ceremony less than two hours before the joint federal-provincial announcement was to be made. The local Planning Director wasn't invited at all.

The uncertainties which beset municipal planning are pervasive enough in the best of circumstances. Where disruption from outside is sudden as well as total, the process becomes futile, and undeserving of public confidence. The latter should not be discarded lightly. Far better, it would seem, to devise new means to alleviate land speculation, so that necessary public works by federal and provincial bodies can be fully and openly discussed at an early stage. Only in this way can the municipal point of view receive its deserved consideration, and the municipal planning process be spared the prospect of having always to react from a position of disarray.

1.3.2 The Economic and Social Consequences

Outrageous land prices for uses of any kind in all of the active development areas of the province are the most significant economic consequence of twenty-five years' municipal planning experience. From these costs flow important social consequences. This central fact stands as the most serious indictment of the municipal planning process, and of the province's policies and procedures with respect to it.

As has been stated, the principal objectives in the passage of The Planning Act were physical, and to the extent that economic consequences were considered, these were in terms of direct costs to municipal and educational budgets. A broader evaluation of the impact of the process appears not to have been considered.

One of the major objectives of planning has been to contain sprawl and where this physical pursuit has been achieved best in the face of heavy demand (e.g. Metropolitan Toronto) land costs are at their most unreasonable.

Since 1954, the Metro Toronto Planning Board, and the subsidiary boards in the planning area have built up the most effective municipal planning operation in the province. There, planning

won early public acceptance as a function of municipal government. The planning area was regional, or at least subregional, in scale. Planning budgets have been larger than almost any other jurisdictions, staffs have been well trained, and because of the challenge and the favourable climate for planning, many first-rate professionals have been attracted.

The efficacy of the resultant planning control is perhaps illustrated most dramatically at Bathurst Street and Steeles Avenue, where twenty-storey apartments on the south side of Steeles tower over green farmland on the north side.

The major reasons for high land costs in most of Ontario's developing areas can all be linked to the very successful containment of urban sprawl. The basic method used has been to permit new development only when full services (mainly sanitary sewers and municipal water) are supplied. For example, the last septic tank and tile field subdivision in Metro was approved in 1955 and thereafter development has moved up the trunk sewers as they have been constructed by Metro, the Boroughs or the developers themselves. Development has thus been "staged" very strictly and the supply very effectively limited. Consents have been rigidly restricted.

Since the demand for accommodation in Metro has been intensive throughout, the result has been a steady and at times dramatic increase in land prices.

The recent freeze on septic tank subdivisions in the Beaver Valley-Blue Mountain areas has had the same effect on the cost of chalet lots. It is reasonable to anticipate that when similar restraints are imposed out of necessity for pollution control in summer cottage areas parallel land cost increases will be experienced.

This should not be read as a denigration of the policies of controlling sprawl, abating pollution, etc. which carry very serious economic and social costs in themselves. The concern here is with the unnecessary substitution of a new type of cost in the process of solving the first problems.

Ten years' strenuous efforts by the Ontario Water Resources Commission have succeeded in rectifying much of the backlog of existing water supply and sewage treatment problems. The province has therefore been able to turn its attention in recent years to assisting in the supply of serviced land. The South Peel trunk water and sewer schemes (which will service lands with a potential 250,000 population in the West Credit portions of Mississauga and Oakville and a like

number in Brampton-Chinguacousy) furnish impressive evidence. A similar scheme is bruited for Central York, and other projects on various scales are being planned for other centres in the province.

The federal-provincial land assemblies were initiated before it was clear that a private development industry could or would emerge. At the same time, a vigorously pursued program might have served as an effective means to hold down residential land prices. Unfortunately, precisely when the new planning regulations were beginning to tighten the supply in the early 'fifties, the program was terminated for other reasons. Thus, a great opportunity was lost to reconcile legitimate planning objectives, such as control of sprawl and pollution abatement, with the inevitable squeeze on land available for development.

In Metropolitan Toronto for example, Thistletown (Etobicoke) was developed but it was too small to affect the market. Most of Edgely (North York) was sold for a university, and Malvern (Scarborough) is dribbling into production far too late and at prices too high to help matters. One of the few examples of an assembly large enough to really influence land prices was that in Peterborough.

Coincident with the imposition of effective planning controls, municipalities have continually increased the financial and servicing requirements imposed on developers. Many of these charges reflect the inadequate revenue base of a municipality in the grip of a major wave of development. The more picayune requirements appear to stem from a determination to foreclose any possibility of future complaint from a resident. These have naturally driven up the price of land to the builder and ultimately for the purchaser. The more onerous of the municipal requirements have been identified in numerous briefs by the Urban Development Institute and other bodies and need not be reiterated here. Where, as in the case of Metro Toronto, municipal boundaries have not been rectified in pace with development, new residential growth must take place in municipalities separated from the main body of non-residential assessment. Where this occurs, normal municipal requirements are reinforced by delays and new charges and levies of various kinds. All of these are, of course, passed on to the consumer.

Rising land costs are reflected in industrial and commercial as well as residential development, with commensurate effects on the costs of living as a whole. However, it is in the impact on housing costs that the social consequences are most severe.

High costs for new housing have been reflected throughout the entire housing market, new or old, ownership or rental. When the cheapest new house in a market area exceeds \$25,000, the costs of the old houses inflate as well. When the monthly rate of a one bedroom apartment approaches \$200 or more in a new building, the cost of a similar unit in an old building tends to float up correspondingly.⁽⁸⁰⁾ As a result; the share of income required for shelter becomes more and more disproportionate, which obviously hits hardest at the already disadvantaged groups in society, the old, those on fixed incomes, and the poor.

It may be noted that overall construction costs have risen at a relatively slow rate during the period despite the fact that component parts have advanced greatly - labour costs being the fastest growing. Indeed, a tremendous amount of energy has been expended to trim construction costs by more efficient contract management, cheaper materials, greater use of mechanical equipment, more factory production of components and even the prefabrication of whole housing units.

(80) An interesting suggestion is that high housing costs are at least partly responsible for arresting the deterioration of inner city residential areas. So valuable has every house become, the argument runs that few can be abandoned.

There may be some correlation, certainly the scale of private rehabilitation in Toronto's inner neighbourhoods is unusual by North American standards, as are its housing costs. If so, it is yet another manifestation of the impact of higher housing costs on poorer people who are driven out by the middle class "white painters".

These Herculean efforts have kept per square foot building cost increases within reasonable limits. Regrettably such efforts have been more than offset by serviced lot prices which have doubled, tripled, and in some places quadrupled in the past fifteen years. A 50 foot lot in North York now costs about \$20,000. In 1957, it was two miles closer to the heart of the city and \$12,000 lower in price.

Ominous for the future is the already observable impact of the Toronto Centred Region Concept. By shutting off further growth in the smaller fringe communities, the province has turned off the last safety valve for land prices in the Metro Toronto area. Even as these pages are being written, lot prices there are entering a new round of escalation.

Critics of the seeming complacency of government at all levels in the face of this problem should recognize that high land costs, and the economic and social consequences thereof, do not carry with them discernible political liability. At the local level, quite the reverse is true, most successful municipal campaigns include at least some reference to "upgrading the community", which in office translates into policies which force newcomers to pay more. At the provincial level, government of the same lineage has presided undiscomfitted, over the full time span of The Planning Act, and

over the escalation in land prices which is the direct result of the Application of the Act.

Undoubtedly, it is a source of considerable satisfaction to most homeowners that their investment has doubled in value during the past 10 to 15 years. What is puzzling is the evident torpor of tenants and those seeking to purchase housing. Potently there is little motivation of a purely political kind to grasp this nettle. A perusal of the literature put out by 1971 provincial candidates from all parties in more than a dozen Metro area ridings (where housing costs are highest) revealed but three or four references to housing costs. Pollution and Spadina were the fashionable issues, and "viable" the most overworked adjective.

High interest rates are the second major contributor to the rapid increase in housing costs. During the past decade, the mortgage rate has gone from about 7% to over 9%, with the halcyon days of 5-1/2% N.H.A. insured loans, which helped to house half a generation, now a distant memory. At the federal level, where the responsibility lies, the same party has remained continuously in office throughout this period. If current pre-campaign rhetoric is any guide, high mortgage rates for housing will not be among the important issues.

The much maligned development industry is one of the few bodies which has continuously inveighed against these economic consequences of the municipal planning process, but to little avail.

Seen in this light, the very tangible efforts by the province in the housing field take on a new lustre. Unfortunately, the directions of that effort have not been well balanced to date. Caught up in the immediacy of spiralling housing costs, the major response has been to build housing rather than develop land. Since the primary cause is the high cost of land, this amounts to treating the symptoms and not the disease.

The Ontario Housing Corporation's record in the provision of housing has been described in an earlier section. It is regrettable that it has not been thought, or found to be possible to devote a balanced effort to the production of serviced land. Substantial tracts have been purchased in Saltfleet and Waterloo County and presumably the Cedarwood assembly will soon commence, but these do not appear to be part of a broad program of ensuring an adequate supply of serviced land in the correct places, while planning controls prevent scatteration of unserviced lots in the wrong places.

If the province does intervene in the development of land, and particularly if it seeks to do so on a scale aimed at rolling back serviced land costs (with an anticipated effect on the whole housing market), the question immediately arises whether it can or will be done under the same municipal rules that developers (or even O.H.C. in Malvern or Thistletown) have had to contend with. If the province changes the rules for itself, can the private development industry legitimately request similar treatment? Would that not represent a further encroachment on municipal autonomy in plan making and processing particularly in one of the few parts of the process where municipalities now enjoy some delegation of function and decentralization of administration.

In any event, if municipal planning is to be extended across the province in strengthened form, and if the province's own planning role is to expand, it seems imperative that the government recognizes the economic and social consequences of effective municipal planning to date, and the consequences of its own policies adumbrated in the Toronto Centred Region Concept. Positive action must then be undertaken to correct the serious situation that has been created and will be accentuated.

1.4 Conclusions

So far, this Review has examined only the past. The preceding pages contain observations and judgments which can and will be translated into recommendations in the concluding section. These will be in the form of quite specific proposals for policy initiatives and changes, and for procedural modifications or innovations. It is thought useful at this stage to offer a summing up of the broad impressions gained after review of the first twenty-five years' experience for municipal planning in Ontario.

When The Planning Act launched municipal planning in 1946, it introduced a most politically sensitive activity on weak or unprepared recipients spread over a very wide area. At the provincial level, the paramount need was a measured combination of central policy formulation, and decentralized administration. In fact, rather little policy was devised and disseminated, and administration was an uneven mix of centralized and decentralized operations.

At the municipal level, the first priority was to develop strong municipal planning capability. Yet, in the early naive belief that any planning was good planning, the provincial attitude was utterly laissez faire. Indeed, the emphasis on planning boards tended, if anything, to relieve municipal councils of feeling real responsibility for planning. When exhortation, and then

coercion increased only quantity, but not quality in the municipal planning process, the provincial reaction tended toward further centralization of administration, and, where thought necessary to intervention.

The lessons of the past 25 years are clear enough. Although far from perfect in any aspect, the municipal planning process obviously functions better when strong municipalities cover proper planning jurisdictions (e.g. Metro Toronto), when administration is decentralized at least de facto if not de jure (e.g. subdivision plans) and where policies and procedures are clearly enunciated (e.g. urban renewal). Conversely, results are poorer where municipalities are weak (e.g. the resort townships). Where administration is centralized (e.g. Official Plans) municipalities are reluctant, and where intervention substitutes for policy (e.g. the O.M.B. and zoning) the process is undermined.

These observations are by no means original, they have been the subject of debate for years. Recognition of these problems motivated at least some aspects of the legislation establishing the regional municipal governments, beginning with Ottawa-Carleton in 1969. In the establishment of strong municipalities with wide planning jurisdictions, and with the promise of decentralized administration when attainment of planning

capability is formalized, the government is now moving resolutely toward the placement of municipal planning on a sound basis across the province.

Political rather than planning factors will, of course, determine the boundaries of the new regional governments, but at least this much is already clear. However expedient for other reasons, a too slavish devotion to existing county boundaries will, all too frequently, merely replace little irrational units with big irrational units. Where this occurs, the stability of the municipal planning base will diminish.

Increased public exposure to municipal planning has been matched, sad to relate, by mounting citizen dissatisfaction with a process which is still fashioned to obtain their cooperation and not their participation.

The municipal planning process was initiated at a time when citizen involvement of a direct kind (to the extent it was anticipated at all) was expected to focus on purely local concerns. Adequate machinery has never been devised for direct participation on larger issues, and the Metro Spadina experience vividly demonstrated the potential for explosive results.

This weakness is also evident in the new regional municipalities, where geography adds to the problem of participation. Too large for neighbourhood-style public meetings, too small for political parties, the regional municipalities have been created without real regard for this question. At the same time, the municipal planning process has been concentrated at the level most remote from the citizens, not a favourable portent for the future.

Finally, the municipal planning process enabled by The Planning Act was intended to achieve physical objectives. It did. By quantitative and functional measurements, the results merit a most favourable judgment. Sprawl has been arrested, many are housed, industry is served, neighbourhoods are safe, utilities have capacity, and traffic moves (at least off-peak). Critics who dismiss the achievement have simply not pondered what might, nay would have occurred without the Act and the process it fostered.

Criticism on qualitative and aesthetic grounds is much more justified, some excellent examples of urban design and execution notwithstanding. It is in this area that the planners themselves have let the side down. The profession has patently failed to provide real leadership in promoting amenity and attractiveness to soften the utilitarian cast of Ontario's communities.

In the proccupation with physical objectives, consideration of the economic and social consequences has been lacking, with costs described in the preceding section. It is essential to recognize that many of these costs are highest where municipal planning is functioning best, by administrative standards. This offers important lessons at a time when municipal planning is being strengthened across the land, and when provincial planning is being initiated as a process.

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